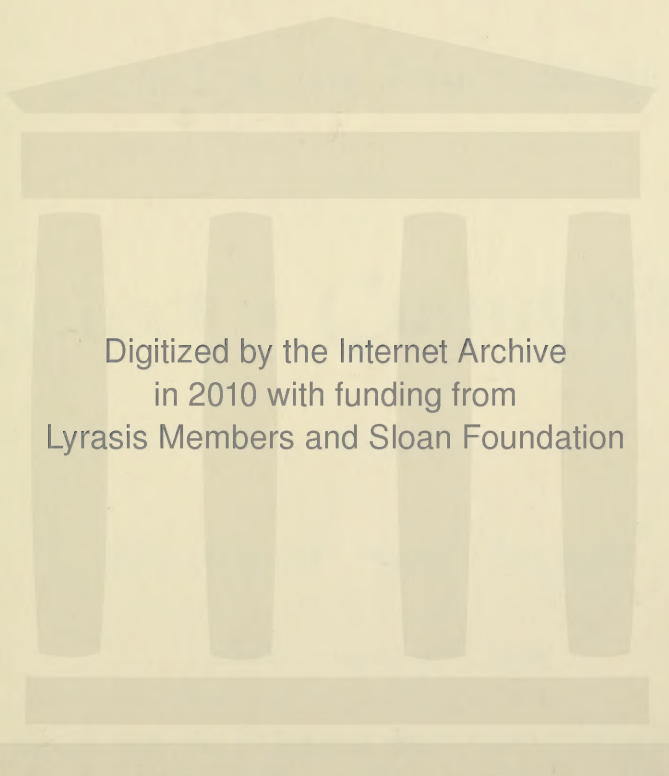


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SENATE INVESTIGATION, 1895

REPORT

AND

Record of the Proceedings

OF THE

Select ☼ Committee

OF THE

Senate of New Jersey

Appointed February 13th, 1895

To Inquire into the Charges of Extravagance in Furnishing
the State House, and certain other Charges touch-
ing the Conduct of Public Officials, etc.

TRENTON, N. J.:

MACCRELLISH & QUIGLEY, BOOK AND JOB PRINTERS, OPP. POST OFFICE.

1895.

Committee.

FOSTER M. VOORHEES, SENATOR FROM UNION.

GEORGE W. KETCHAM, SENATOR FROM ESSEX.

WILLIAM H. SKIRM, SENATOR FROM MERCER.

CHARLES B. HERBERT, SENATOR FROM MIDDLESEX.

WILLIAM D. DALY, SENATOR FROM HUDSON.

Counsel—WILLIAM H. CORBIN, ELIZABETH.

Clerk—CHARLES H. LEVY, TRENTON.

Sergeant-at-Arms—JOHN GRAHAM, JERSEY CITY.

Stenographer—A. B. C. SALMON, NEWARK.

REPORT.

To the Senate :

Your select Committee appointed to inquire into the charges of extravagance in furnishing the State House and other charges touching the conduct of public affairs, report that they proceeded with the examination of the files and records at the State House and the taking of testimony, and have continued in that work until the present time.

We have not exhausted all the sources of information, nor followed up all the possible roads to discovery, but have pushed our inquiries into subjects that seemed most important and that afforded clear indications of need for investigation, accomplishing as much as was practicable within the time at our command.

The obtaining of proof in an inquiry of this sort is attended with much difficulty. Persons directly involved in wrong-doing are industrious in obliterating the evidence of their actions, and others who are aware of the facts are generally reticent, and even when discovered give unwilling testimony. Of the ninety-seven witnesses examined, by far the greater number have testified under compulsion, and little information has been volunteered. Enough, however, has been disclosed to indicate the course of events in recent years at the State House and to suggest legislation for guarding against a recurrence of similar irregularities.

STATE HOUSE EXPENSES.

Previous to 1889 there was no provision for the care and furnishing of the State House, except a joint resolution

passed in 1846 (Rev. 1224), placing the property in charge of the Treasurer to be kept in order. No money was ever appropriated for the purpose.

Under this meagre authority the matter drifted along forty-three years until the annual expense had grown to \$25,000, which was paid without any appropriation.

In 1889 the property was by statute placed in charge of a superintendent. The expenses rapidly increased, reaching \$71,000 in 1894, and were, as usual, charged to "State House Expense." This sum by no means covered all the expenditures for repairs, maintenance and furnishing.

We found on the statute book nine acts, passed at different times from 1885 to 1892, for special objects, the first having been passed to meet the emergency caused by the fire in the State House in 1885. It would seem that these acts ought long since to have served their purpose, but under the constructions given to them some of them continued to be used as the warrant for the expenditure of State moneys up to 1894, and might be used indefinitely hereafter without limit. We, therefore, reported to the Senate repealers of these nine laws, and they were repealed March 22, 1895. Under these laws parts of the State House and Assembly Chamber were rebuilt, and a vast amount of money expended for furnishing, painting, ventilating and repairing, in addition to the annual sums charged to State House expenses as above explained.

Between 1889 and 1893 nearly all the furniture in the State House was, by auction or otherwise, disposed of for trifling sums and new furniture put in its place. Some parts of the building were furnished twice. Part of the money realized for the sale of old furniture has not yet been paid into the treasury.

In the making of this substitution the State was cheated and betrayed. The prices were exorbitant, being often

double the usual retail price of the goods. Bills were falsified in quantities and prices. Large bonuses and commissions were paid to State officers. Furniture and carpets paid for by the State were sent to persons holding offices under the State for their private use. Moreover, much of the new furniture was inferior to that which was displaced, and changes were made which were not desired by the occupants of the offices.

In the furnishing of coal, lumber, and other supplies for the State House, there was deliberate systematic swindling. Quantities and prices were falsely raised, goods being billed to the State and paid for that were never furnished, large percentages were added to bills, sometimes undoubtedly for the benefit of State officers, at other times, possibly for the benefit of the dealer. The State was by the collusion of bidders and others, made to pay \$1,350 for a flag-pole and flag on the State House. By the collusion of a State Comptroller and in the face of the protest of other State officers against the waste, the State paid \$21,847 for the construction of pigeon-holes and similar appliances which could readily have been obtained for \$7,500, and still have afforded a liberal profit to the maker. More than \$10,000 was paid to one painter upon bills wherein false entries of labor and material had been made, the prices likewise being exorbitant, the speculation being probably \$4,000. That commissions were paid on this work was not seriously denied.

In the rebuilding of the Assembly Chamber, which cost \$232,000, an architect was employed who had never before designed and erected a building. Of much of the work he appeared to have no control, it being under the immediate supervision of the Governor. No plans of this work appear to be in the possession of the State except certain blue prints found among rubbish in the cellar of the State

House. These do not so much as indicate any ventilating apparatus. Such apparatus was, however, put in at a cost of \$25,896. The evidence is that a full price, with large profit, would have been \$13,923, and furthermore, that the apparatus is obsolete and highly unsatisfactory. The same contractor, by arrangement with the Governor, afterwards put similar apparatus in the Senate Chamber at a cost of \$21,625. The evidence is that a full price would have been \$11,102, and that the work is obsolete and well nigh useless. The electrical plant in the State House, with fixtures and supplies, cost about \$46,000. The evidence indicates gross overcharges and the probable payment of commissions on this work.

While much of the work at the State House is said to have been done by contract after competitive bidding, the evidence of that fact is missing from the public files. The bids, correspondence and other documents appear to have been kept in the Executive offices, and all of these, with all the executive files, were removed from the State House at the close of the term of the Governor preceding the present Governor. This course was unprecedented and has been a source of embarrassment to the Committee in their inquiries.

Seven thousand dollars was spent in furnishing the Senate Chamber under an appropriation to ventilate it.

We think, that from 1889 to 1894, there was great waste and, in not a few cases, corruption and bribery of officials in the reconstruction, furnishing and supplying of the State House. Where gross overcharges and false charges occur the evidence warrants the belief that it was always by the collusion or acquiescence of some State officer or employe.

STATE EXPENDITURES.

The ordinary expenses of the government, excluding public debt, were about eight hundred thousand dollars in 1875, and in 1884 they had reached only one million dollars. Thenceforth, until 1894, the increase was rapid, the total in the latter year being \$1,653,000. The increase is largely due to the multiplication of State officers and State boards, to the increased expense of maintaining the State House, to the appropriation for public roads, to the increase of cost of maintaining the courts, the increased salaries of some State officers, and the increase of maintaining the militia. In the past few years some of the increase is also due to the extravagance elsewhere referred to in this report, though much was charged to extraordinary expenses.

The total expenditures from the State fund for government in 1894, including ordinary, extraordinary and public debt payments, were \$1,930,255; the amount raised and appropriated by the State to the support of free public schools was the further sum of \$2,196,240, making the entire sum expended by the State government \$4,126,495.

LEGISLATIVE EXPENSES.

The expenses of the Legislature increased from \$53,578 in 1875 to \$125,249 in 1893. In 1894 the expense fell off to \$108,791. It is difficult to see why these expenses should thus increase. The number of members of the Legislature has not changed since 1844. The volume of laws now passed is much smaller than it was twenty years ago, and there seems to be no change requiring materially increased expenses. The growth seems to have arisen chiefly from the multiplying of offices to

attend upon the Legislature, and from the reckless extravagance in the purchase of legislative supplies.

We recommend the passage of a law prescribing the number of officers for each House, and the salaries for each, and we report herewith a bill for that purpose.

COURT EXPENSES.

The costs of the courts has increased from \$65,659 in 1875 to \$171,826 in 1894. The increase has been gradual and unceasing. It is due to the increase in the number of judges, the increase of salaries, and the abolishing of the fee system in compensating judges.

This expense cannot with propriety be curtailed.

PROMULGATION OF THE LAWS.

The State publishes the laws by a two-fold method; first, by printing 8,000 copies in book form, at a cost of about \$2,000 annually; and second, by publishing them in 90 newspapers (45 Democratic and 45 Republican), at a cost which, this year, will be probably \$135,000. The cost is unusually large this year owing to the larger volume of laws. The average cost for the last five years has been \$89,518.

A majority of the newspapers do not set up and print the laws as they do other advertisements, nor do they yield any of their advertising space to the State. The laws are set up at Somerville, and in New York and elsewhere, and large editions are struck off in supplement form which are sold to newspapers for a small price. For example, this year each newspaper is paid by the State \$1,300 for publishing the laws thus far given out for pub-

lication. The publisher of the paper buys for about \$100 from the New York printer a sufficient number of copies, folds them into his regular edition and circulates them. Then upon an affidavit that he has published the laws he is paid \$1,300 by the Treasurer.

In some of the cities and towns one newspaper sets the type for its own use and lends it to its neighbors, who share the expense, one setting of type thus serving for three or four papers. In some of the largest cities the newspapers set their own type for their own use solely.

Most of the States make no publication of the laws in newspapers, and those few which have adopted the practice have so limited it that the cost is moderate. They publish only the general laws, or if they print a law of local application they publish it only in the locality affected.

In New Jersey practically all laws are published everywhere. We find no parallel in any State for the reckless waste of our system. The following figures will show approximately the relative total cost of promulgating the laws in different States in 1894:

Maine,	\$3,500
New Hampshire,	7,800
Vermont,	4,000
Massachusetts,	3,000
Connecticut,	2,500
Virginia,	3,500
Missouri,	5,000
Ohio,	7,000
Michigan,	7,136
New Jersey,	80,422

No States afford any figures at all comparable with New Jersey except New York and Pennsylvania, which do publish in the newspapers, but on a scale relatively much more economical than our plan.

Notwithstanding the great cost, our laws are not promptly published, it having often happened that the book of laws could not be obtained until July or August, although the Legislature had adjourned in April. This delay is wholly unnecessary. It is entirely feasible to print the laws in pamphlet form daily as they are passed, as the Minutes of Assembly are now printed.

We recommend that a bill be passed providing that the Secretary of State shall, as fast as the acts are filed in his office, forthwith supply copies thereof to the public printer, who shall print the same from day to day, so that all laws passed in one week may be laid before the Legislature by Monday night of the following week; the printer to print twenty-five thousand copies and deliver to the State, in stitched sheets, at least four thousand copies thereof from day to day, as printed; these to be distributed by the document clerk, first, to the Legislature and State officers; secondly, to all County Clerks and City Clerks, in sufficient numbers to supply all persons desiring to obtain copies; copies also to be delivered to all persons who apply for them, either in person or by mail; all the copies of the laws not so required to be retained by the printer in sheets, and at the close of the session of the Legislature, bound up in volumes and delivered to all the County Clerks and City Clerks for distribution, and also to be sent to all persons who apply for the same.

This plan will enable any person interested to have a copy of the laws, without charge, within a few days after their passage, and also provide an ample supply of the volumes for preservation by all who require them.

We deem this matter of great importance from two points of view: First, the expense has reached a degree of extravagance which the State cannot afford. We think

the expense of this year will be \$125,000 in excess of what it ought to be.

By proper enactments the laws may at a cost of \$5,000 to \$10,000 per year be much more promptly and satisfactorily promulgated than by the present costly method. When great States like Massachusetts, Michigan, Ohio, Missouri and Illinois, far surpassing New Jersey in population, wealth and area, find \$3,000 to \$7,000 a sufficient sum for the promulgation of the laws, how can we justify an expenditure of \$135,000.

Secondly. We think the present system objectionable as a system of patronage. The selection of papers is arbitrary, for papers of trivial circulation may be chosen, while large and widely read journals are ignored. The influential journal of the large city, which at its own expense and at high rates of wages, sets up the laws and gives its valuable space to their publication, receives no more than the village weekly, which buys a few hundred "supplements" and sends them out.

To some of these latter the money paid by the State is almost wholly profit and does much to keep the paper alive. This is vicious and has an evil tendency. It is inevitable that the publishers of such papers will be influenced by these gifts, and that their independence so vital to censorship of public affairs and the guidance of public opinion, will be hampered. Moreover it is no function of the State to support newspapers. Beneficent and useful as their office is, to reward them in this way is in violation of the letter and spirit of the Constitution.

Chapter two of the laws of the present year takes effect in no city until adopted by the people. It has already been voted on and rejected by the people of one city,

and we are not aware that any other city of the State desires to adopt it. The act is long, and it will cost nine thousand dollars to print in the newspapers. The Committee therefore suggested to the Secretary of State to withhold this act from publication in the newspapers until the Legislature should meet, with a view to economy. We recommend that an act be passed providing that it need not be published in the newspapers.

PRINTING PUBLIC DOCUMENTS, BLANKS AND STATIONERY.

The act of 1883 required this work to be given out by contract after competitive bidding, and made it the duty of each officer to furnish a list of his requirements for the year, with samples.

This law has effected a great saving, but by the neglect and design of certain public officers its thorough enforcement has been obstructed and thwarted. Boards and officers have delayed sending in their reports until after the printing contract was awarded, and then the printing has been given out to favored printers at extravagant prices. State officers have either wholly neglected to send in requisitions for blanks and stationery or sent in meagre estimates, and afterwards have given out to favored persons their valuable orders at enormous prices, certifying upon the bills when presented that the necessity for the articles was not known at the time their requisitions were made. It is, of course, impossible to anticipate all the requirements, and some of the certificates are therefore legitimate, but in other cases large and valuable orders for blanks required by law to be annually provided, and therefore necessarily anticipated, have been habitually omitted from the requisitions and afterwards given out to

avored persons at prices two or three times as great as the contract prices—to persons, moreover, who have purposely refrained from competing for the contract, confidently relying upon their friends among the State officers to give them the really valuable parts of the printing at high rates. We can term this nothing less than collusion to defraud the State.

In the German printing, downright conspiracy to defraud the State has been proved. The successful bidder for 1893 paid to one rival \$300 to bid high, to another \$500 for the same purpose; and he induced the lowest bidder (who had bid 45 cents per thousand ems) to withdraw his bid, paying him \$500 in cash and giving back to him a part of the contract at 76 cents. The Comptroller was greatly at fault in this matter. He not only released the lowest bidder from printing the school report, from which he asked to be released, but also told him that he could not print the factory report either, on which he also had bid 45 cents, and which he was willing to print. The result was that the rival got both at 76 cents and forthwith turned the factory report back at 76 cents to the man who had offered to do it at 45, and who proceeded to print it, putting on the name of the publisher who had bribed him. He was a responsible man and had tendered ample security. The terms of the specifications called for a separate bid on each item. In allowing this conspiracy to succeed, the Comptroller was either in collusion with the conspirators or was excessively stupid and indifferent to the State's interests. The result was a loss of several thousand dollars to the State. Fortunately, part of the price for printing the report of the Board of Education remains unpaid. We recommend that the Comptroller be directed not to pay it until after an adjustment of the

accounts on such a basis that the State will lose as little as possible by these frauds.

The translation of documents into foreign languages seems to have been awarded at a high price to some person who then farmed it out at a very low price to the actual translators.

The State has at different times printed its laws and documents in German, Italian, Dutch and possibly other languages. Some editions of these documents appear to be entirely unbroken, not a copy being called for. The object of this printing in foreign languages is to give a job of public patronage to some newspaper printed in the foreign language, doubtless with the hope of commanding that newspaper's support for one political party or the other.

We believe this State printing in foreign languages should be entirely abolished. American citizens should learn the English language. In New Jersey, where the immigrant is required to reside five years before becoming a citizen, ample time is afforded to learn to speak and read English, and we think as a matter of fact practically all these naturalized citizens, who can read their mother tongue, do learn to read English.

For their own sake and the good of the State they should by all means be encouraged therein. If a public document is to be printed at all in a German paper it should be in the English language.

The law provides that only such reports and documents shall be included in the book of documents as the Legislature may prescribe, and that the book shall be contained annually in two volumes. The Legislature having for several years failed to prescribe what documents are to be included it has been the custom to call together the joint Committee on Printing and they have decided how many

copies of each report should be printed. But no document has been excluded or curtailed. All are printed with all their illustrations, appendices, tables and schedules. The result is that the annual book, in violation of law, now consists of five great volumes of some 2,000 pages each and the few really valuable reports are buried in this mass.

Moreover, the total cost of printing is inordinately increased. For example, the bills for printing in German the report of the Board of Education for 1893 will be from \$15,000 to \$18,000. The amount paid in 1894 for printing documents and charged to "printing" was \$63,081 08. This is not all, for much printing was charged to other accounts. To many of the reports are appended copies of the laws of New Jersey, decisions of our courts, tables, schedules, newspaper clippings, letters and other matters of great bulk. This reprinting of the laws and decisions year after year is unwarrantable. A simple reference to the books wherein they are to be found would be sufficient. As to the other matter, much of it has no permanent or even present value. This mass of chaff should be winnowed, so that the kernels in it may be found and preserved, and the waste of money stopped.

We recommend the passage of a bill constituting the Governor, Comptroller and Treasurer a printing board to determine what shall be printed, and to exclude the rest.

Another mischief needs correction. Some boards and officers, instead of sending in their reports in November, in time to be printed and laid before the Legislature, delay until after the Legislature has adjourned. Some have delayed a year and more. Some of the reports for 1893 came in from the printer in April, 1895. This delay renders the reports practically useless as a basis for legislation.

We recommend that all annual reports to the Governor or Legislature by boards, commissions or officers, be required to be made as of October 31st, and actually delivered to the Governor on or before the 30th day of November, and that as a penalty for delay every delinquent officer shall forfeit one-half his salary from November 30th until the report is filed.

COMPENSATION OF COURT CLERKS.

The Clerk in Chancery and Clerk of the Supreme Court are required by the act of 1879 to make sworn quarterly returns of the gross fees and compensation received for their own use. The Clerk of the Supreme Court has made returns of every quarter for sixteen years, but none of them are correct. He has returned at the end of each quarter the amount *collected in that quarter which was earned in that quarter*, excluding collections on account of previous quarters. Such a statement is of no value and is not a compliance with the law. Those returns show his fees to be for 1892, \$9,105.56; for 1893, \$8,985.96; for 1894, \$9,649.88. In fact his fees actually collected were, according to his testimony, for 1892, \$37,370; for 1893, \$34,605; for 1894, \$46,004. The expenses of running the office are about \$12,000, which is about the amount of the fees received from suits. The net income to the Clerk for the past four years is \$27,000 per annum, which is about the amount now derived from searching. The fees were less during former years, as will be seen by reference to the evidence. The compensation is too great. We recommend that the searching fees be reduced to 30 per cent. of the prices now allowed by law.

The present Clerk in Chancery for the first few terms made returns on the same plan as the Clerk of the Supreme

Court. Thereafter for several years he made no returns, and and lately has returned the amount of his net fees, after paying the current expenses of his office, which, he says, are about half the gross receipts. His returns show for 1891, \$19,285; for 1892, \$18,226; for 1893, \$17,838. He testifies that the gross revenues for the past nine years have been about \$33,000 per year, and the net revenues are half as much. The clerk receives from the State sums averaging perhaps \$1,200 per year for keeping dockets, &c. These fees should be abolished. He also receives large sums from the State for his costs in the State's suits to enforce the payment of taxes by delinquent corporations. These fees should also be abolished, and he should render these services without compensation. The fees still remaining would afford him a liberal income.

We recommend also that the law be so changed that the clerks shall hereafter return not only the gross fees received by them, but also the expenses of their offices, and that their returns be made at the close of each term of court, instead of quarterly.

SECRETARY OF STATE.

By an act passed March 10, 1879, the Secretary of State was paid an annual salary of \$6,000 in lieu of all other compensation, with an allowance of \$4,000 for clerical assistants, and it was provided that thereafter all fees collected by him in whatever capacity should be for the use of the State.

He collects several classes of fees: I. Under act of March 10, 1879, (Sup. Rev. 892,) he collects *for the use of the State* fees for filing papers, issuing commissions, etc. Of these he is to render to the Comptroller a quarterly report *in detail*, under oath, to be audited by the

Comptroller and filed with the Treasurer. Within ten days thereafter he must pay the fees to the Treasurer, under penalty of \$500 for each day's neglect. These fees are from \$10,000 to \$20,000 per year. No report of these fees has ever been filed.

Annually in October the Secretary of State has handed a check to the Treasurer, without particulars, but with a letter of transmission, stating that the check covered the amount of fees received.

II. Under act of March 11, 1880 (Rev. Sup. 898, pl. 22, *et seq.*), he collects *for the use of the State* the fees of the judges in the courts of which he is clerk; of these he is to make quarterly returns *in detail* of all fees so charged up. No such return has ever been made. He has annually paid over a sum in gross in the same manner as above, the amount being about three hundred dollars per year.

III. Under the supplement to the Corporation Act, passed 1883 (P. L. page 62), he collects *for the use of the State* certain fees from corporations. These have amounted to as much as \$125,000 in one year. This act is silent as to the time of paying these moneys over, but the act of March 24th, 1868 (Rev. 1219, pl. 40), imposes on all public officers who, as agents of the State, receive moneys, the duty forthwith upon receipt of the money to report the same to the Comptroller for audit before any acquittance is given. These fees have never at any time been reported for audit, but an annual payment has been made to the Treasurer, without any details.

Under these three acts about nine hundred thousand dollars has been paid into the State's revenues by the Secretary of State. No examination of the account has ever been made, and there is no public record thereof. The only account seems to be in the private books of the Secretary of State, which contain also fees received by

him and retained to his own use. There is no public record to show whether any particular corporation has paid its dues, nor anything to indicate from whom the State has received these vast sums of money. The evidence shows that the Secretary of State mingled the moneys with his own, and, to use his own expression, they were "absorbed in his personal affairs," never at any time being kept separate. In fact, they were all invested in his personal business enterprises, the money not being kept on hand.

At the end of the fiscal year he raised the necessary amounts and gave his checks to the State. It has been impracticable for the Committee as yet to make any thorough examination of the accounts, covering as they do a period of twelve years and involving a multitude of items, but they are of opinion that steps should be taken to verify the correctness of the amounts paid to the State.

IV. An act was passed April 18th, 1891 (P. L. 511), providing that the Secretary of State as Clerk of the Prerogative Court should thereafter record certain documents as surrogates were required to do, receiving the same fees therefor. He has construed this act to allow him to retain these fees for his own use. It seems this construction was questioned by the Comptroller and the fees waived by the Secretary for a time, but afterwards he took them, and still continues to do so. They amount to from \$3,000 to \$4,000 per year. We do not think the act was intended to supersede the law which provided that the Secretary of State should receive a salary of \$6,000 for all his services. These fees, we think, belong to the State.

We recommend the passage of an act explicitly requiring the Secretary of State to turn these fees into the State Treasury at the end of each term. Whether they belonged to the State or to the Secretary, a sworn statement

should have been made quarterly, as required by the acts of 1879. No statement whatever has been made since 1891.

As above stated, by the act of 1879 the Secretary was allowed \$4,000 per annum for clerical assistants ; by acts passed in 1883 he was allowed to pay certain clerical expenses in connection with his duties as Insurance Commissioner and in connection with corporations, out of the fees received by him. The testimony shows that at the end of each year in turning in the fees he deducted therefrom certain sums paid for salaries to the clerks in his office. Adding these sums to the \$4,000 paid to him annually, it appears that he has received much more than he has paid for clerical assistants, the excess being several thousand dollars. These sums should be returned to the treasury.

It is to be noted that although the Secretary has retained for his own use all fees from the Prerogative Office since 1891, amounting as above to from \$3,000 to \$4,000 a year, yet he has charged the State with the entire clerical expenses of that office. It thus appears that the Secretary of State, instead of receiving compensation of \$6,000 a year, as provided by the Act of 1879, has increased that compensation to about \$11,000 to \$12,000 per year, besides the gains made by the use of the State's moneys. These gains should be ascertained according to law and paid into the treasury.

The moneys collected by the Secretary of State for the use of the State, although large in amount, are made up of a great number of items, and it is therefore inconvenient to have each item reported and audited separately. We recommend that the law be modified so as to provide for a weekly itemized report of all such fees and payment thereof to the Comptroller, except court fees, which should

be reported and paid over at the close of each term of court.

BANK DEPOSITS.

The State Treasurer at all times has large balances in bank. This fact afforded the opportunity for a clerk in his office to privately arrange with the banks of Burlington county to pay interest to the clerk for a series of years for political purposes. This irregularity was fully disclosed before the Committee. The Treasurers were not personally implicated.

The law requires the Treasurer to keep the State's funds in bank and makes it his duty to lend any surplus on United States stocks as collateral, timing his loans so as to have funds to meet the requirements of the treasury. No loans have been made for many years.

If the policy of lending State funds is to remain on the statute book, the list of securities available for collateral should be increased, as United States stocks are no longer readily obtainable as collateral. The importance of this matter demands the deliberate consideration of the Legislature.

JUDICIAL FEES AND OTHER REVENUES.

The clerks of the several courts are required to make a statement in detail, and pay over quarterly all fees received for the use of the State. The Clerk in Chancery and some of the County Clerks have complied with this requirement. The Clerk of the Supreme Court has made returns each term, but only of the gross amounts, giving no details. Many of the County Clerks are greatly in arrears, and should be prosecuted by the Comptroller. Fines and forfeitures are collected by sundry officers, but very little is paid into the treasury. There is no proper supervision of this

subject. Some agent of the State should be placed in charge of the matter under the Comptroller.

From the oyster fund in Cumberland county on more than one occasion the State School Fund should have received a payment of \$2,000, but nothing has been collected.

SPECIAL STATE BOARDS.

The multiplication of special bureaus has led to largely increased expenditures. Some of these bureaus were experimental and are of doubtful utility. The Board of Arbitration was shown to have been extravagant in its charges against the State. The allowances for services and traveling expenses were apparently made up with the intention of getting as much as possible out of the treasury. Ten cents per mile was charged to the State by members who were traveling on free passes. Numerous meetings of the Board were held at Trenton for the avowed purpose of influencing legislation, the State paying the traveling expenses, hotel bills and per diem allowances of the members and clerk while so engaged. Conveniences for the private use of the members were charged to the State.

The Legislature has already re-organized this Board and changed the rate of compensation. We understand, however, that questions have lately arisen under the new act as to allowances for expenses, and we recommend that all doubts be set at rest by a supplemental act. Several thousand dollars a year have been saved and better service secured.

The Bureau of Statistics of Labor and Industries is becoming more expensive. The mere printing of its report costs about \$3,000. Work of this sort, to be valuable requires the exercise of peculiar talents of a high order,

and a rare discriminating judgment. Moreover, the facts should be collated from a wider field than that afforded by this State alone, and a great organization is necessary. This work is now being done by the Federal Government, and we see no sufficient reason for continuing the bureau in this State. We recommend that it be abolished. This will save \$11,000 a year.

The State now supports two taxing boards of four members each—the State Board of Assessors and the State Board of Taxation, to all of whom the State pays salaries, besides the salaries of clerks and other assistants.

The annual expense of the two boards is about \$35,000.

One board is quite sufficient for the duties of both, and is desirable to the end that valuations of corporate and individual property may be the better equalized. We recommend the consolidation of these boards into one new Board of Assessment and Taxation, to consist of four members, to be appointed by the Governor and confirmed by the Senate.

Serious irregularities have existed in certain expenditures of the State Board of Assessors. In their annual report they have in each year since 1887 stated that they adopted a railroad map of the State as part of their report. The map was an outline lithographed map of New Jersey, showing the railroads. It was prepared by the Secretary of the Board and another clerk in the employ of the State, much or all of the material being paid for by the State.

In 1887 the State paid \$1,500 for the entire original edition of 6,000 copies. The State also paid for mounting several hundred of these copies, the cost being about twenty-five cents each. Many of these mounted copies were then again sold to the State officers and paid for by the State at \$3.50 each, and many mounted copies were sold to the public by the Secretary for his own profit.

Annually thereafter, until 1894, the State paid for further editions of the map, buying in all, 41,000 copies. The fact is that only 6,000 copies of the original map have ever been printed, being those printed in 1887. Afterwards, in 1892, 1893 and 1894, four thousand copies of a revised and reduced edition were printed, of which only 2,600 have been delivered by the printer, 1,400 being held in New York because not paid for. Therefore no more than 8,600 copies of both editions of the map ever were delivered to the State. These facts show deliberate fraud by the Secretary, great carelessness on the part of the members of the Board and their other employees, and careless conduct on the part of the printers who year after year presented to the State sworn bills for maps which they had neither furnished nor seen. Their excuse is that the Secretary assured them the maps had been received and on this assurance they drew about \$1,500 per year from the State, retained ten per cent. of it, and paid the rest to the Secretary. The money thus lost to the treasury is fully \$8,000. We recommend that the Comptroller be directed to proceed for its collection against the Secretary, the printers who received it and any other persons who may be liable.

The Secretary of the Board also drew from the State annually several hundred dollars fees for making returns to writs of certiorari sued out against the Board by the several railroads. These fees were also paid by the railroad companies, being thus collected twice by the Secretary. They were not properly chargeable to the State and should be recovered.

It was also shown that conveniences for the private use of the Secretary had been paid for by the State.

The State Dairy Commissioner's expenditures should be submitted to the State Board of Health and approved

by them, and then audited by the Comptroller and paid by his warrant as in the case of other departments. Furthermore, we recommend that the expenditures of his office in enforcing the milk, oleomargarine and food and drug acts be limited to \$11,000 per year, including his own salary. This will effect a considerable saving and place the expenditures of the office under the proper supervision.

BOARD OF RIPARIAN COMMISSIONERS.

This Board, created in 1869, still continues, its expenses (chiefly for salaries of members and engineers) amounting in 1893 to \$15,918, and in 1894 to \$16,249. It is well known that the most valuable riparian lands have already been disposed of. The entire principal sum derived from new grants in 1893 was \$20,958.84, and in 1894 was \$14,123, being but little more than enough to pay the expenses of the Board. Meantime the new leases given were very small in amount.

To consume the entire principal of the grants in administering the Board is intolerable. We recommend the abolition of salaries to the members of the Board and the granting of a greatly reduced appropriation for engineering and other expenses.

SUPPORT OF FEEBLE-MINDED CHILDREN.

Under the act of March 12, 1873, the State pays a sum not exceeding \$330 per child, for maintaining and clothing feeble-minded children. By the gathering in of great numbers of children, the demands for this account have enormously increased. In 1894 there was paid to the following institutions:

The New Jersey Training School for Feeble-Minded Children, at Vineland, which last year supported 180 children, . . .	\$46,000
The Pennsylvania Training School at Elwyn, Pa., 44 children, . . .	10,196
New York Institution for the Blind, New York City, 31 pupils, . . .	9,223
Pennsylvania Institution for the Blind, 14 pupils,	4,343
Connecticut School for Imbeciles, 2 pupils,	563
	<hr/>
	\$70,325
Estimate for the year ending October 31, 1895,	\$72,991

This is exclusive of the amount paid for the support of feeble-minded women. For this purpose there was paid last year \$17,463, and the estimated amount to be paid for the present year is \$19,624.

This has become so serious a charge upon the treasury as to demand attention. For children requiring special care and instruction perhaps the allowance is not too great, but for others we believe it is much too high. Furthermore, it should be ascertained whether the State is supporting children who should be maintained by relatives.

COURT OF PARDONS.

The Board of Pardons has lost the confidence of the people, and it is scarcely too much to say that some of its actions in recent years are a public scandal.

The facts of the Evangeline Hamilton case as proved before us are shameful. This woman having two counsel had at the March term made an unsuccessful application for pardon. Two members of the Board afterwards told her counsel that they favored the pardon, but that the Governor was the stumbling block and added that if the pardon was desired a certain other counsel must be retained.

The Governor sent for the keeper of the prison and told him that he did not think the present counsel would succeed, and that if the prisoner wanted a pardon she had

better retain a certain other counsel, being the same that the judges had mentioned. The counsel who had been suggested was retained at a cost of \$1,000.

He prepared no petition, no brief nor other paper, nor did he communicate with the prisoner. He spoke to the Governor, whose office adjoined his own in New York, and to other members of the Board, and at the next meeting, twelve days later, the pardon was granted.

A few years ago our local and State Governments fell largely under the influence of race track gamblers and other law breakers. This was accomplished by a wicked coalition between them and certain leaders of the dominant political party, and continued by crimes against the suffrage which, growing worse year by year, culminated in the election 1889, when notorious and far-reaching frauds were committed in the cities.

The Senate made a laborious and expensive investigation of these crimes in Hudson county, and laid bare an astounding conspiracy in which more than 100 election officers besides city and county officials were involved. Sixty-eight of these were indicted and fifty-eight convicted of conspiracy to thwart the election laws. After two years of strenuous litigation these convictions were affirmed by the highest court, and the conspirators sentenced to terms from nine to eighteen months in prison. Thirty-two were actually placed in the State Prison and twelve in the Hudson County Penitentiary in the fall of 1892.

This was doubtless the most important and numerous series of convictions ever entered in this State; and few parallels to it can be found in the record of criminal jurisprudence anywhere.

Of the justice of these convictions and their thorough approval by the people of the State there is no doubt.

The great guilt of the prisoners had twice been made manifest to the public, by the Senate investigation and by their own trials, and their punishment was deemed lenient. And yet without any petition from citizens (except in two special cases) without any record before the Board of Pardons, without even the usual formal application by the prisoners, without the intervention of the counsel for either prosecution or defense, the Board of Pardons of their own motion released all these thirty-two men from prison in one day, a few months after their imprisonment began. Nay more, so eager were they for the release that they caused the paroles to be made out and recorded together with paroles of the twelve conspirators in the Hudson County Penitentiary, two days before the Board met.

When they met, for some unknown reason, the twelve in the penitentiary were not released, and the record of their paroles stands to-day in the book of paroles, with the names of the Governor and Secretary of State at the bottom crossed out and made void.

The only person who appeared to urge these paroles was the chairman of the State Committee of that political party in whose interests the election frauds had been committed.

It should be noted to their honor that the Chancellor of New Jersey and one of the judges of the Court of Errors and Appeals recorded their votes in the negative.

This extraordinary action of the Board was a stupendous miscarriage of justice. It was a plain notice to the disorderly that offenders against the suffrage would be forgiven and protected; that the party in whose interest the ballot-boxes were stuffed would take care of the stuffers and that even the Board of Pardons could be relied on to do the party's bidding.

Nothing more discouraging to law-abiding citizens can be conceived. The baffling at the place of final resort of long-continued efforts to stamp out these dangerous and ruinous crimes against the ballot was most disheartening to all patriotic citizens.

Meantime the race-track gamblers and other gamblers secured control of legislative action. They persisted in breaking the laws openly and in avowed defiance of the courts. An aroused public sentiment protested, but protests were treated with contempt and derision. Grand Juries began to indict and courts to convict these persistent offenders. Of course they appealed, but their convictions were affirmed. Then they resorted to the Board of Pardons. In July, 1893, the four convicts who had kept a disorderly place at the Clifton race-track and who had been sentenced to the State Prison, were finally brought to the Court of Errors and Appeals. They applied to the Board of Pardons and were instantly freed without serving a day in prison.

An overwhelming public sentiment had become aroused and in the November following wrought a political revolution in the State. In 1894 this sentiment was manifested with tremendously augmented force. Good citizens of all parties united by a majority absolutely unprecedented to hurl from office every man within their reach who was tainted with the gambling blight. In August, 1893, an influential race-track gambler at Monmouth murdered another. To save himself from the gallows he pleaded guilty of manslaughter and was sentenced to serve in prison for ten years. The Board of Pardons released him on March 30th, 1895, after sixteen months' imprisonment.

The four convicts who owned the Guttenberg race-track, and who defiantly gambled there for years, making enormous gains in the face of repeated warnings from the

Court, were condemned by the Court of last resort, and their just punishment in the prison was about to begin. The Board of Pardons was hastily convened, and their imprisonment was remitted on the eighteenth day of May last, within forty-eight hours after the Court of Errors had condemned them. Again the Chancellor and another Judge dissented and placed on record a scathing protest against the action of the Board.

This Board, in the face of an aroused and indignant public sentiment, in the face of the opinions of the learned judges, in the face of the evidence and the verdicts of juries, continues to nullify the judgments of the Courts by the release of the State's most prominent and defiant convicts.

The pardoning power rests with the Executive, and not with the Legislative Department, but so far as these abuses can be modified by law, the Legislature should act. We recommend, first, that the resolutions lately passed proposing a Constitutional amendment for the re-organization of the Board of Pardons, be again passed at the next session, to the end that they may be adopted by the people. Second, that an act be passed requiring that all applications for pardons or paroles, or the remission of fines and forfeitures, be filed with the Clerk of the Court at least thirty days before final action thereon, and that in every case in which a pardon shall be granted, or a fine or forfeiture remitted, the reasons therefor shall be publicly assigned and entered upon the minutes of the Court.

ANNUAL APPROPRIATIONS.

The Constitution of New Jersey (Art. 4, Sec. 6, p. 2), provides that "No money shall be drawn from the treasury but for appropriations made by law." This pro-

vision follows that in the Constitution of the United States, and is substantially the same provision found in the Constitutions of all the States. Mr. Justice Story, in his Commentaries upon the Constitution (Book 3, p. 213), says :

“ It is highly proper that Congress should possess the power to decide how and when any money should be applied for these purposes. If it were otherwise, the Executive would possess an unbounded power over the public purse of the nation; and might apply all its moneyed resources at his pleasure. The power to control and direct the appropriations, constitute a most useful and salutary check upon profusion and extravagance, as well as upon corrupt influence and public speculation.”

Professor Pomeroy, in his work upon Constitutional Law, section 536, says :

“ This restriction is * * * the very keystone which holds together the arch of constitutional powers and limitations. Withdraw this, and all others would become mere words, with no force or efficiency. * * * There could be no safety without it, and the security of the whole governmental fabric depends upon its strict and literal observance by all officers and departments of the administration.”

The practice in New Jersey has for many years been contrary to the spirit of this vital principle of the Constitution. Acts have been passed involving expenditures of money without making any appropriation therefor, and expenditures have thereafter been made, year after year, without appropriations. This has become the rule instead of the exception. Even where specific appropriations are made, they are generally for an indefinite period, and still more often for indefinite sums. Many of the laws now

existing, under which moneys are spent, place no limit upon the amount or time of expenditure.

The cost of government, therefore, instead of being under the supervision of the Legislature, is practically left to the discretion of officers. The Legislature is not informed with any accuracy as to what the expenses of government will be, and, as they are not asked to make appropriations, few members have any real conception of the financial operations of the government. By these practices the most important function of the Legislature, which is the providing of revenues and the apportionment of moneys for the different purposes of government, is neglected, and no intelligent understanding of the real condition of the State's affairs is brought home to the representatives of the people.

We believe that the rapid increase of expenditures, the irregularities and the extravagance which have been developed, are largely due to the fact that appropriations have been unlimited in amount and in time. The experience of Congress and of the States has been that the proper conserving of the State's finances and protection of the treasury can only be secured by annual appropriation bills, and that the apportionment of moneys for different purposes of government cannot be brought too frequently to the notice of the legislators.

A proposed increase of expenditures would be at once discovered and discussed, both in the halls of legislation and in the public press, and accountability for extravagance and for novel expenditures would at once be brought home to those responsible.

We think that nothing that can be suggested would be so likely to prevent in future the sort of irregularities recently disclosed as the annual passage of an appropriation bill covering every conceivable form of State expense,

and we think it should be provided by law, as it is in many States by Constitution, that no money should be available under any appropriation for more than two years from the time of the passage of the bill

We have therefore prepared with great care an appropriation bill for fiscal year beginning November 1st, 1895, covering all the proposed expenditures of the State Fund, and also of the School Fund. We have included in the bill items for all the ordinary expenditures of government required under existing laws. If, however, the bills that we have elsewhere proposed shall be passed, many of these items can be eliminated from the bill and considerable savings effected.

The items for salaries have been made to conform to the salaries now prevailing, although in the judgment of the Committee some of these salaries may be reduced without impairing the public service.

The matter of raising revenues to meet the annual appropriations was not within the province of this Committee, but it is a matter that may well receive early consideration from the Legislature.

The revenues from miscellaneous corporations and possibly some other revenues of the State are diminishing, and if this shall continue, other fiscal measures will have to be considered in the near future.

In the course of our inquiry we have been impressed with the apparent disposition of State officers and others to construe very liberally against the treasury enactments of doubtful meaning. The true principle is that no money should go from the treasury except in pursuance of clear and unequivocal laws. This is an additional reason for an annual appropriation bill, making explicit and definite provision for every expenditure.

In concluding this report the Committee desire to acknowledge the cheerful and prompt aid rendered by the Comptroller and the Treasurer, the records of whose offices have been under constant examination for the past three months, and particularly to record their appreciation of the intelligent and untiring service rendered by Mr. F. S. McNeely, first assistant in the office of the Comptroller.

FOSTER M. VOORHEES,
GEORGE W. KETCHAM,
WILLIAM H. SKIRM,
CHARLES B. HERBERT.

As a member of the Committee, I agree, in the main, with the conclusions and recommendations of the majority. In those respects wherein I dissent I will, at an early day, submit my views

WM. D. DALY.

RECORD

OF THE

PROCEEDINGS

OPENING PROCEEDINGS.

SENATE CHAMBER, TRENTON,
March 4th, 1895, 10 A. M.

Proceedings and testimony had and taken before the Committee of the New Jersey State Senate appointed to investigate alleged extravagances in the purchase of supplies for the State House at Trenton, New Jersey, and other matters, in the presence of the Committee so appointed and its counsel, WILLIAM H. CORBIN, Esq. Committee all present excepting HON. WILLIAM D. DALY.

SENATOR VOORHEES (Chairman of the Committee)—As Chairman of this Committee I desire to announce that we have organized, and that we have selected the Hon. William H. Corbin to act as Counsel for the Committee; Mr. Charles H. Levy to act as Clerk, and Mr. A. B. C. Salmon as Stenographer, and John Graham to act as temporary Sergeant-at-arms. It may be well before we proceed in our investigation that the clerk should read the resolution under which we are acting.

The clerk read the resolution from the Journal of the Senate of February 13, 1895, as follows:

Resolved, That a committee of five members of the Senate be appointed by the President to inquire into the truth of the charges relative to the furnishing of the Senate Chamber and State House, and the extravagance in the furnishing of legislative and other supplies, and also to inquire into the truth of such other charges as may be preferred, which in their judgment are worthy of investigation as to the conduct of public affairs in this State, and in the various counties and municipalities thereof, and into the actions of the various officials having charge of the administration of the laws of the State. The said Committee to have the power to subpoena and swear witnesses, to take testimony, to send for persons and papers, to employ counsel, clerk and stenographers, and to do such other things as may be necessary in their judgment to inform the Senate as to the truth or falsity of said representations or other charges to be made; the said Committee to have power to sit, if necessary, during the legislative recess, and to make report to the Senate at this or the next session of the Legislature. The resolution was adopted and

the President appointed as the committee Senators Voorhees, Ketcham, Skirm, Herbert and Daly."

CHAIRMAN OF COMMITTEE—In view of the fact that this Committee is requested by the Senate to make report to the present session of the Senate on a certain branch of the inquiry, our investigation will be directed solely to the charges as to the extravagance in connection with the furnishing of the Senate Chamber, and also touching charges made against certain of the officials in connection with the management of the State House. May I ask you, Mr. Corbin, as counsel of the Committee, whether you are prepared to proceed with that line of investigation?

MR. CORBIN—Yes, sir; I am prepared to proceed. Mr. Chairman, the scope of the investigation, as indicated by the resolution of the Senate, may be a very wide one or may be quite narrow, in the discretion of the Committee. Under direction of the Chairman I have thus far, in the few days at my disposal, directed my investigations towards the expenditures in and about the State House, as I understood that it was the desire of the Senate that a report be speedily made to the Senate on that branch of the inquiry. I think it is but fair to the Committee and counsel to state that this Committee was not selected by the Senate until the 13th of February, and its counsel and officers were not selected until the night of the 19th of February. Therefore, there have been very few days at our disposal in which to prepare the testimony, but we have some testimony to present to-day.

I desire at the outset of this investigation to call the attention of the Committee, for the sake of convenience, to the legislation governing the subject of expenditures of State moneys.

I first read from Article 4 of the Constitution, section 6, paragraph 2, which is in these words: "No money shall be drawn from the Treasury but for appropriations made by law." That is in substance a copy of the similar provision in the Constitution of the United States.

I desire next to call the attention of the Committee to the fact that there appears to be no legislation on the statute books of New Jersey from the time of the adoption of the Constitution of 1844 up to 1889, on the subject of expenditures about the State House, with some trifling exceptions. The supplies for the State House, and the care of it, seem to have drifted along under a joint resolution which was passed by the Legislature in 1846, which will be found in the Revision, page 1224. It is not an act—it is not a law by which moneys could be drawn from the Treasury at all; it is a mere resolution of the two Houses, ap-

proved by the Governor. This is the resolution of April 9th, 1846 :

“Whereas, the State House has been repaired, and large and important additions made thereto, for the accommodation of the State officers and the convenience of those who have business to transact with them, in doing which a large sum of money has been expended ; and whereas, the public grounds adjacent to the State House are to be graded and planted with suitable trees, and it is thus rendered important that the buildings and grounds shall be well cared for and kept in proper condition and repair ; therefore, be it

“*Resolved, &c., That the State House and adjacent public grounds be and hereby are put under the care and safe keeping of the Treasurer of the State ; that the doorkeepers of the two houses, immediately after the Legislature have adjourned, shall deliver to the said Treasurer all the keys of their respective houses, which shall be safely kept in his office until the next meeting of the Legislature ; that when the courts are not in session the keys of the respective court-rooms shall also be deposited with him for safe keeping ; and it shall be the duty of the said Treasurer to have the general supervision and care of said buildings and grounds, to preserve them from injury, and to provide for their being kept in proper order, for which services he shall receive the sum of \$75 per year, to be paid out of any moneys in the treasury not otherwise appropriated.*”

That seems to be all the law there is on the subject (and, indeed, that is not a law, but a joint resolution) until a very recent date.

In 1865 an act was passed creating the office of Comptroller, which will be found in the Revision, page 1216, and the sections to which I desire now to call your attention particularly are 33 and 44.

The 33d section provides that on or before the first day of October in each year the Comptroller shall advertise in newspapers published in Trenton for a supply of fuel for the Legislature on the most advantageous terms that may be offered, which proposals shall be on file. That is a provision, you will observe, by law for one of the items of State House supplies.

The other provision is for stationery, section 44, which is a provision of the supplement of 1868—section 44 of the Revision : It shall be the duty of the Comptroller on or before the first day of each December to advertise in the newspapers in Trenton for necessary stationery for the use of the Legislature, the total cost not to exceed \$500 per annum.

In 1880 a joint resolution was passed by the Legislature, known as Joint Resolution No. 2, which will be found in the pamphlet laws of that year at page 332, authorizing the Governor to consult the State officers, and, if in his judgment it is practicable, to alter and change the rooms in the State House so as to furnish the necessary protection from fire; and there is appropriated for that purpose \$2,000. It is a joint resolution, containing a preamble reciting that valuable papers are in danger of fire.

With these slight exceptions, gentlemen of the Committee, I find no legislation on the subject of supplies for the State House or for the care of the State House until the year 1889. As is well known, under this joint resolution of 1846, the State Treasurer took possession and care of the State House and of the adjacent grounds, and was the sole custodian of the State's property here from 1846 up to 1889.

In 1889 the Legislature passed an act, which will be found in the laws of that year at page 295, which places the State House and grounds under a superintendent, to be appointed and commissioned by the Governor, who shall hold his office for three years and have a salary of \$2,000 per annum. He shall take care that the occupied parts of the State House are kept warm, ventilated, swept and cleaned, and he shall employ as many necessary assistants for that purpose, at such prices, as the Governor, Attorney General and State Treasurer, or a majority of them, shall approve, and he shall render monthly accounts to the State Treasurer. He is also given charge of distributing the laws and public documents. Under that act of 1889 the superintendent of the State House was for the first time appointed. At the end of three years, 1892, the Legislature passed another act, almost exactly similar in terms, repealing the act of 1889 and appointing a like officer, but with this change, the officer was to be appointed by the Governor and confirmed by the Senate, and his term of office was to be five years. He was charged with the same duties as before and required to give bonds in the penalty of \$5,000. That is the act of 1892, page 17.

In 1893 the Legislature repealed this act and passed another one almost in precisely the same words, but providing that the officer should have a term of five years at a salary of \$3,000; that is, substantially the only change, and his monthly accounts should be approved by the Governor, Attorney-General and State Treasurer.

I desire now to offer in evidence the bonds given, and the oaths taken by the officer known as Superintendent of the State House,

and while they are being produced I will call the attention of the Committee to an act passed in 1894 (*P. L.*, p. 522), which repealed the act of 1893, and placed the State House under the control of the Governor, Treasurer and Comptroller, who are to take charge and care of the safe keeping of the Capitol, the property contained therein, and the grounds, and for this purpose they have power to appoint a custodian who shall hold the appointment during their pleasure, and shall be paid a monthly compensation not exceeding \$2,000 per annum. Under their direction and control he has power to preserve from injury the rooms and safe keep them, and the offices and adjacent grounds, keeping the occupied parts properly furnished, cleaned, warmed and ventilated. For the first time it is cast upon the custodian to keep the rooms furnished; that is not in the former acts; and he has also power to employ, fix the compensation and discharge all mechanics, laborers, &c., and make all necessary purchases to carry out the provisions of this act; it is a broader act than any of the others, but these powers are laid upon the Governor and Treasurer and Comptroller to be exercised through their agent, the custodian; all employees to be subject to the custodian; he has the keys of the Legislature when not in session, distributes the laws and takes an oath.

While those papers are coming I desire to direct your attention to the fact that this subject of proper control of the State House and expenditures has been a matter of grave question heretofore. In 1872, there being no law to pay these expenditures or appropriation for them, the matter was laid before Attorney-General Gilchrist, who rendered an opinion which I have here, dated February 13, 1872, and which I will offer in evidence for the convenience of the Committee, and which is as follows:

“ ATTORNEY GENERAL’S OFFICE,

“ TRENTON, February 13th, 1872.

“ JOSEPHUS SOOY, Esq.,

“ *State Treasurer.*

“ DEAR SIR:

“ I have considered the question you have propounded to me—whether the Treasurer or Comptroller is charged with the duty of purchasing, replacing and repairing necessary furniture for the legislative halls and the State House generally.

“ During my consideration of the subject I communicated to the comptroller the fact that you had asked for my opinion, and received from him all the information he was able to give me. By a joint resolution, approved April 9th, 1846, entitled ‘To

provide for the safe keeping of the State buildings and grounds in the City of Trenton,' it is recited that the State House has been repaired, and large and important additions made thereto for the accommodation of the State officers and the convenience of those who had business to transact with them, and that it is rendered important that the buildings should be well cared for and kept in proper condition and repair; and then resolved, that the State House and adjacent public grounds be under the care and safe keeping of the Treasurer of the State; that the door-keepers of the two houses on the adjournment of the Legislature shall deliver to him all the keys of their respective houses, which shall be safely kept in his office until the next meeting of the Legislature; that when the courts are not in session the keys of the respective court rooms shall also be deposited with him for safe keeping; and that it shall be the duty of the Treasurer to have the general supervision and care of said buildings and grounds, to preserve them from injury, and to provide for their being kept in proper order, and for this duty he is to receive \$75 per year.

"By the 5th section of the act, approved March 17th, 1865, creating the office of Comptroller, he is to take general charge and supervision of all rights, interests and property of the State.

"By the 13th section of the act he is, after advertising for proposals, to contract for the supply of fuel for the Legislature for the next year.

"By the 15th section he is to report to the Legislature the financial condition of the State and an estimate of expenditures for the succeeding year.

"By the 17th section so much of any law as conflicts with the act, or confers any powers and duties, which by the act are vested in the Comptroller, on any other officer or officers, is repealed.

"By act of April 6th, 1865, a room in the State Capitol was directed to be appropriated and furnished for the Comptroller's use, under the direction of the commissioner who had charge of the building of the wing of the State Capitol.

"By act of March 24th, 1868, section 6, the Comptroller is directed to advertise for proposals for stationery for the Legislature at the next session, and to contract for the same.

"Since the creation of the office of Comptroller there have been several acts of the Legislature—joint resolutions, concurrent resolutions, and resolutions of a single House—directing Commissioners of State Library, Comptroller and Treasurer, Comptroller alone, committee of the Houses, or of one House, to procure furniture for the legislative halls, and various rooms and

offices in the State House. No real light is thrown on the question by these various enactments and resolutions.

“After a careful consideration of the question propounded, I have come to the conclusion that the duty of providing proper and necessary furniture for the legislative halls, and for the offices in the State House, is devolved upon the Treasurer by the joint resolution of 1846, except in cases where special provision is made to the contrary.

“By joint resolution of 1846, the State House is put under the care and safe-keeping of the Treasurer, and the officers having charge of the halls and rooms which are occupied by the Legislature and courts while they are in session are, on the adjournment, required to deliver to the Treasurer the keys of their rooms.

“The Treasurer is to preserve the buildings in which these halls and rooms are, from injury, and to provide for the buildings being kept in proper order, and a special compensation is given him for the service.

“The public buildings of the United States have been furnished for more than two generations for the accommodation of the President, Congress and the Courts and Departments, under statutes conferring less authority upon the Commission of Public Buildings, the Clerks of the Houses, the Secretary of the Treasury, and the Superintendent of Public Buildings.

“The practice has been very loose, and it was only in 1869 that the Clerks of the Houses were required to act only upon a resolution of a committee in procuring furniture.

“The general language of the Comptroller’s act, giving him the general charge and supervision of all rights, interests and property of the State, and the clause repealing all laws which conflict with the act, or which confer any power or duties given to the Comptroller or any other officer do not control or repeal the very special authority given to the Treasurer to take care of specific buildings, and to provide for their being kept in proper order.

“The ‘proper order’ mentioned, it plainly appears by the preamble to the joint resolution of 1846, is such order as to make these buildings fit for the accommodation of State officers and the convenience of those who have business to transact in them.

“Under no more authority is it that the public buildings of the United States have been furnished.

“Of course, where the Legislature has specifically conferred upon the Comptroller the power to furnish a room, as in the case

of the flag-room by the joint resolution of 1871, he is bound to execute it, and the Treasurer has no authority.

"The specific authority given by the Comptroller as to fuel and stationery by the acts of 1865 and 1868 does not conclusively show that the Comptroller had not the power before, because a specific method of making the contracts is pointed out; but it does not by any means show that the Treasurer had not the power under the joint resolution of 1846.

"I think he had this power under the joint resolution, but that the power given to the Comptroller as to fuel and stationery subtracted from the Treasurer's authority and duty in relation to making the State buildings tenantable and convenient for the accommodation of the Legislature and courts, and the State officers generally, only to the extent of furnishing fuel and stationery.

"The question on the mere footing of the language of the joint resolution of 1846, and of the acts of 1865, and of subsequent acts, is quite obscure, and there is no wonder that it has so long remained open.

"The phraseology of the joint resolution and laws is so vague that without the light shed upon it by the practice of the United States Government under like language, I should have been inclined to say that neither Comptroller or Treasurer had any authority to purchase furniture, but the necessity of providing furniture in a case like that which has just occurred, where without the exercise of the power the Legislature would have had to meet in a hall without furniture, shows that the authority ought to exist somewhere before the Legislature convenes, and the precedents furnished by the practice under the national government of the exercise of the power under language not so strong as that which is used in the joint resolution of 1846, makes it plain that the authority in this State resides with the Treasurer. The Legislature ought to regulate the subject by general statute.

"Yours very truly,

"ROBERT GILCHRIST,"

"Attorney-General."

(Said opinion is marked "Exhibit No. 1.")

This opinion, to some extent, shows the state of affairs which I have stated to you, that there was no law appropriating any money for the care of the State House, only this joint resolution authorizing the Treasurer to take care of the property. And the Attorney-General, in brief, finds that a similar state of affairs has existed in Washington for lack of appropriate law, and the

upshot of the opinion is that, inasmuch as the Federal officers have made similar expenditures without appropriation, we may be excused for having done it. He doesn't say it is lawful, but says the duty that is charged upon the Treasurer to take care of the property here, probably under the circumstances, must be held to excuse him for making expenditures of State money without law. The Treasurer continued to act under that; but in 1880, when Major Anderson became Comptroller, the same question occurred to him as to his power to audit bills, and he then addressed a letter to Mr. Wright, the State Treasurer, dated April 30th, 1880, calling his attention to the matter. The letter closes in this way: "I take this early opportunity of suggesting to you the advisability of assuring yourself of the extent of the authority conferred upon you by the above cited resolution, or any other legislative acts which may bear on the subject, in order that any questions which might otherwise arise concerning expenses of this character, may be anticipated and avoided."

Mr. Wright, the State Treasurer, submitted that to Attorney-General Stockton, who rendered to him a brief opinion on May 13th, 1880. He comes to the same conclusion that Attorney-General Gilchrist did. These are expenses that have got to be paid, although it is true there is no statute on record; the duty to take care of the buildings must infer the right to make the expenditures; that is about the tone of Mr. Gilchrist's opinion, and Mr. Stockton cites and follows it. These opinions, neither of them, have the tone of very much confidence, because it was quite obvious that there is no law on the subject, simply this joint resolution. This opinion is offered in evidence, marked "Exhibit 2," and is as follows:

"STATE OF NEW JERSEY,
"OFFICE OF ATTORNEY-GENERAL.

"TRENTON, May 13, 1880.

"HON. GEO. M. WRIGHT,
State Treasurer.

"MY DEAR SIR:

"I have examined the letter under date of April 30th, written to you by Mr. E. J. Anderson, Comptroller, also the opinion of the late Attorney-General Gilchrist of February 3d, 1872.

"I have no doubt that under the resolution approved April 9th, 1846, placing the State House and adjacent public grounds under the care of the State Treasurer, the Treasurer is authorized to employ such persons and incur such expenses as in his discretion may seem to be necessary. By section 4 of the act of March 17th, 1865 (*Rev. 1217, P. L. 24*), it is made the duty of the

Comptroller to examine, audit, adjust and settle all accounts due to or presented against the State. I do not think the Comptroller has any more control over the accounts approved by the Treasurer than those approved by any other officer charged under the law with duties carrying with them the power to incur obligations on the part of the State, but it seems to me that the object of the Comptroller's act was to create a check upon the exercise of this discretion whenever the responsibility was not wholly placed by law in the person on whom the duty was imposed, as where the Comptroller is directed to issue his warrant on the order of the judge, or where he is directed to pay money on the order of the Governor.

"I think the Comptroller is the judge of whether an account should be properly allowed and settled, and if in his judgment the allowance and settlement of it involves the propriety of an act such as the employment of servants and workmen and the price of their labor, he is bound in duty to exercise that judgment before he settles or allows the account.

"The practical result of my consideration of the letter and the opinion of Mr. Gilchrist is that while you have the power generally, as stated in the opinion, that the Comptroller in the exercise of his duty has the undoubted right to refuse to audit any bill for personal services or otherwise, presented by any one or approved by any one except those above indicated as exceptions to the rule.

"It would seem to have been the intention of the Legislature, by joint resolution No. 2 of 1880, to modify the control of the State House to some extent. It provides among other things that 'the Governor of the State is to assign and cause to be suitably fitted up such rooms for the accommodation of the public officers of this State, as he may deem necessary to facilitate the public business.' Under this provision it is manifest that the Governor should approve of expenses incurred by his direction.

"Considering that the subject of all the legislation is the proper and economical care of all the property of the State and affording facilities for the public business, I should advise that the proper course would be to have a consultation between the three officers charged with separate official duties connected with the matter, viz., the Governor, Comptroller and Treasurer.

"I am,

"Very truly yours,

(Signed), "JNO. P. STOCKTON."

ALEXANDER H. RICKEY, sworn.

Examined by MR. CORBIN.

Q. You are the Assistant Secretary of State? A. Yes, sir.

Q. Have you here the bonds filed by Mr. Bernard J. Ford as Superintendent of the State House? A. Three bonds and three oaths.

Q. These are part of the files of the office of Secretary of State? A. Part of the files; yes, sir.

Mr. Corbin—I offer in evidence a bond in the penal sum of \$5,000, given by Bernard J. Ford as Superintendent of the State House, with James Smith and Lewis C. Grover, of Newark, as sureties, dated May 22d, 1889, with the affidavits of justification by James Smith and Lewis C. Grover; also the oath of the Superintendent taken before Thomas S. Henry, Judge; both filed May 22d, 1892.

Also, the bond of the same Superintendent, in the same sum, with James Smith and Lewis C. Grover as sureties, dated February 19th, 1892, approved by Judge Henry, and filed February 17th, 1892. Also, the oath of the Superintendent filed the same day.

Also, the bond by the same Superintendent, with James Smith and Lewis C. Grover, as sureties, in the same sum, dated February 23d, 1893, approved by Judge Henry, and filed February 23d, 1893; and also the Superintendent's oath, filed the same day.

The three bonds referred to are marked "Exhibits 3, 4 and 5," and the oaths "Exhibits 6, 7 and 8."

I have asked the Comptroller to make up a table which I desire to present to the Committee, showing the State House expenses for the past twenty years; also showing the amount expended for clerical services during the last seventeen years—that account runs back only seventeen years on the books in a way to make it available for comparison; they do not by any means represent all the money expended in and about the State House, but they represent the funds charged to those two accounts in the Treasurer's and Comptroller's books. This is the statement certified to by the Comptroller—the State House expenses from 1875 to 1894, inclusive. In each case they are for the year ending October 31st, as our fiscal year ends on that day.

In reading this, if you please, I will reject the fractions.

STATE HOUSE EXPENSES FOR THE FISCAL YEARS
ENDING OCTOBER 31.

1875.....	\$22,850
1876.....	27,000
1877.....	16,000
1878.....	15,000
1879.....	16,000
1880.....	14,000
1881.....	16,000
1882.....	23,000
1883.....	19,000
1884.....	25,000
1885.....	23,000
1886.....	20,000
1887.....	20,000
1888.....	19,000
1889.....	25,000
1890.....	44,000
1891.....	46,000
1892.....	57,000
1893.....	58,000
1894.....	71,000

A very large part, I may say, of the \$71,000 was spent before the change was made by the Legislature of 1894—before the changes occurred in the State House—supplies of coal and other things.

Stating briefly for convenience of memory, from 1875 to 1888 the expenses were remarkably uniform, and may be said to average not more than \$20,000 a year. Since that time they have very rapidly increased, until they are now, by this last statement, \$70,000.

EXPENDITURES FOR CLERICAL SERVICES AND
CHARGED TO THAT ACCOUNT.

1878.....	\$10,000
1879.....	12,000
1880.....	12,000
1881.....	19,000
1882.....	22,000
1883.....	21,000
1884.....	23,000

1885.....	\$25,000
1886.....	26,000
1887.....	26,000
1888.....	20,000
1889.....	21,000
1890.....	21,000
1891.....	26,000
1892.....	35,000
1893.....	36,000
1894.....	37,000

Showing that in the first decade there was a gradual increase with an average of, perhaps, \$18,000 or \$20,000. The last four or five years a more rapid increase, culminating with \$37,000.

I offer this statement in evidence—it is certified to by the Comptroller.

(Paper marked "Exhibit 9.")

Before taking testimony before the Committee I desire to say that an inspection, which has not yet been very thorough, that of the Treasurer's accounts and Comptroller's statements show figures in regard to the purchases on behalf of the State that are, to say the least of it, on the face of them, rather surprising; some of them I might say are startling. In several directions they seem to indicate a degree either of extravagance or wastefulness which calls for explanation; it is possible everything may be explained. Without further comment, I have taken up such items as I have had opportunity to examine, and shall produce some evidence before you at once as to the items which I have been over thus far, which will perhaps explain some of the extravagance, and, in other cases, may indicate something even more serious than mere wastefulness.

I will first take up the matter of an expenditure made under an act passed in 1894, page 51. That act provides that there shall speedily be erected upon the dome of the State House, a flag-staff, with a flag commensurate in size for the uses contemplated, which shall be purchased. The duty of doing this is charged upon no particular officer. The Legislature a few days later, on April 23d, passed a concurrent resolution reciting that the dome of the Capitol was not an available place for this flag, and allowing the flag to be placed at any other

place on the State House where the Superintendent of the State House should consider the proper place to be.

I desire to offer in evidence first a voucher from the Comptroller's office in regard to this flag-staff. (Marked "Exhibit 10.") This voucher first has a certified copy of the act, secondly a copy of the concurrent resolution of the Legislature; it then has some written specifications as to how the pole shall be erected.

I beg to call the attention of the Committee to the fact that the concurrent resolution was not passed until the twenty-third of April, which provided for placing the flag where it now is. Following the specification is this bid: "Trenton, April 20, 1894. Mr. B. J. Ford, Superintendent State House. I will furnish flag and pole, and set the pole in position, and do all other work that is connected with it, according to plans and specifications, for the sum of \$1,350. (Signed), John Barlow." "The above bid being the lowest received, is hereby approved, pursuant to the act entitled 'An act to provide for the erection of flag-staff upon the State House, N. J., and for the purchase of a suitable flag for the same, and regulating the use of the same,' approved April 4th, 1894, and concurrent resolution, approved April 23d, 1894. (Signed), George T. Werts, Governor."

Following is a bill of "John Barlow to the State of New Jersey for the furnishing of a flag and the erection of a flag-staff on the roof of the front part of the State Capitol, according to plans and specifications, \$1,350. Correct. B. J. Ford, Superintendent. Approved. George T. Werts, Governor."

(Said bill is marked "Exhibit 11.")

I offer in evidence warrant drawn by the Comptroller for \$1,350 in favor of John Barlow, dated May 8th, 1894, and Mr. Barlow's receipt for the same; also Treasurer's check upon the Mechanics National Bank of Trenton, bearing the same date, for \$1,350. Endorsed by John Barlow.

(Said papers marked "Exhibits 12, 13 and 14.")

JOHN BARLOW, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Trenton.

Q. How came you to bid for putting up a flag-staff on the State House? A. The first I knew anything about it I got it through Mr. Swan.

Q. Well, what did you find out from him? A. I found out by him that there was a flag pole going to be raised on the State House; he asked me to go and see Ford to see how he was going to give out the job; I saw Mr. Ford and asked him, and he said he was going to get bids; I asked him if he would allow me to bid on it, and he said, "Certainly; I want to get all the bids I can on it."

Q. Did you bid? A. Yes, sir.

Q. Who did you give the bid to? A. Mr. Ford.

Q. Who was present when you gave him the bid? A. I give it out in the hall.

Q. Handed it to him in the hall? A. Yes, sir.

Q. Any one else present? A. I don't recollect as there was; there was lots of people around in the hall, but nobody that I knew.

Q. Do you know whether anybody else made bids? A. I heard he had three or four bids; I don't know.

Q. Who did you hear bid? A. I heard Lanning had a bid in.

Q. You don't know that? A. No.

Q. How long before the contract was awarded to you was it that you put in your bid? A. I put in my bid and he took the bids, then he went into his office, and from his office he went across into the Governor's room; I should judge about an hour after I gave him the bid—

Q. You didn't see the Governor about it? A. No, sir.

Q. Look at this specification; is that in your handwriting? A. No, sir.

Q. Look at the bid which follows it, signed "John Barlow;" is that in your handwriting? A. No, sir; it is my signature; Mr. Goff, my bookkeeper, wrote that.

Q. Did Mr. Goff write the specification, also? A. He does all my business.

Q. When you handed in that bid, did it have any specification to it? A. No, I didn't have any specification to it.

Q. Did Mr. Ford give you any specification to go by? A. Yes, sir; I had heard of the specification, and a plan of the front part of the State House as it is now was taken, and two lines were drawn—

Q. The specification was drawn up by Swan? A. Yes, sir.

Q. This is a copy of it? A. Yes, sir.

Q. Who made this copy? A. Mr. Goff made it.

Q. This was put on afterwards? A. Yes, sir.

Q. When you handed in your bid, there was no specification there? A. I do not recollect the specification being handed—my bid was written by Goff, but the specification was not.

Q. You do not know, then, who annexed this specification to it? A. I do not.

Q. Do you know that handwriting? A. No, sir.

Q. What specification did you have to bid by? A. The one that Swan had.

Q. He had a pencil specification, didn't he? A. Yes, sir.

Q. Did you talk it over with Swan before you bid? A. No, sir; I never said anything to Swan after I come up to the State House and saw Ford.

Q. Swan brought the subject to your attention first? A. Yes, sir.

Q. Swan afterwards put the flag-pole up for you, didn't he? A. Yes, sir.

Q. Didn't you talk it over with Swan as to what was to be bid?

A. I made a proposition to Swan after I got the job.

Q. But it was Swan who brought it to you first? A. He told me that a flag-pole was going to be put up.

Q. Did Swan give you an estimate of what it was going to cost? A. No, sir.

Q. Didn't you agree with Swan as to what you were to bid? A. No, sir.

Q. Didn't you agree with him to bid \$700 for it? A. No, sir.

Q. Didn't he go out from Ford's office and tell you he would have to bid less? A. No, sir.

Q. You couldn't get more than \$525? A. No, sir.

Q. You don't know anything about any other bids? A. No, sir; I don't know anything about them to-day.

Q. Who was there at the time Ford went to the Governor's office and had this thing settled? A. I can't tell you; I met him at the hall; right in the center of the hall; I don't know who was there.

Q. But you heard there was some other bids put in? A. I heard there was; yes, sir.

Q. Was Weller there? A. No; I didn't see Weller.

Q. Was Major Hurley there? A. No, sir.

Q. Have you books here showing where you purchased materials for putting up the flag-staff? A. Yes, sir; I have got books and checks and bank books, and all you want.

Q. Of whom did you buy the pole? A. I have got a check here—off of a gentleman in Camden.

Q. Can't you answer that question? Of whom did you buy the pole? A. Sheriff Baird; he has just been appointed on the tax board.

Q. Have you his bill here? A. Yes, sir; and check.

Q. Let us see the bill? A. It is in the bundle there.

Q. This bill, \$132, David Baird, is for materials used on this flag-staff? A. Yes, sir.

Q. They were all used there? A. Yes, sir.

Q. That is the check for \$133 which paid Baird for the flag-staff and materials? A. Yes, sir.

Q. And this check to J. H. Wilson for \$70 paid for the flag? A. Yes; I would have brought that bill with me, but it is lost; but if you wish to have the bill I will write for it.

Q. What is the statement you have made up here? A. This is the time that was made on the pole, the men were paid.

Q. \$73.15 was Swan's bill? A. That is the first week.

Q. \$34.80 the second? A. Yes, sir.

Q. And \$1.50? A. That was for carting; there is the money in the bottom that Swan drew.

Q. \$10.50? A. Yes, sir.

Q. These represent all the items, do they? A. Yes, sir.

Q. What are these other checks that you have produced here? A. These are connected with the flag-pole, and these are private checks.

Q. Henry Woods' Sons, \$1.07? A. Yes, sir.

Q. And Lanning \$24? A. Yes, sir.

Q. Weller & Sons, \$35? A. Yes, sir.

Q. That was for riggers? A. Yes, sir.

Q. Have you a statement of the whole thing? A. No, I haven't got it figured up. It is figured up to \$515. Here is my private checks.

Q. Those are some that you haven't mentioned? A. Better figure these bills up, because I understand they say the pole cost \$350.

Q. Trenton Hardware Company, \$2.28. A. Yes, sir.

Q. Charles W. Karl, \$33.13? A. Yes, sir.

Q. Samuel Heath, \$45.08? A. That is for lumber.

Q. Did that go into the same job? A. Yes, sir; Mr. Swan ordered all this stuff; I didn't order any of it.

Q. He had charge of the work, did he not? A. Yes, sir.

Q. What do you say it all figures up to? A. I think \$515.

Q. The profit then was \$835? A. \$835.

Q. What did you do with that? A. I spent it.

Q. Did you give any of it to anybody else? A. No, sir; I got that to do yet for the first time.

Q. What is this book you have here? A. This is a check book that I brought for you to look at, from the first of April to the first of August; do you wish to see them?

Q. No, I think not. A. You had better look at them.

Q. Do they have any reference to this subject? A. Because there might have been a check given—I brought them by orders from you.

Q. Are there any of these that refer to it? A. No, from the first of April to the first of August.

Q. You have them all here, have you? A. Yes, sir.

Q. Have you gone over them carefully to see if any of them refer to this flag-staff matter? Yes, sir; I went all over them Saturday.

Q. And none of them do? A. No, sir.

Q. There was a suit over this matter, with Swan? A. Yes, sir.

Q. And he recovered a judgment against you in the Mercer Circuit Court? A. No, I beat him.

Q. Didn't he recover judgment against you? A. He did not.

Q. Aren't you mistaken about that? A. No, I have got it right here.

Q. Well, your costs were more than his judgment; is that the point of it? A. (No answer.)

Q. The judgment against you was less than your judgment of costs against him, was that it? A. He wanted more than I wanted to give him.

Q. (By Senator Voorhees)—Now, you can answer that question? A. I answered the question; as he sued me for more money than I bargained to give him.

Q. (By Senator Voorhees)—Now the question is, did you recover a judgment, or did Mr. Swan? A. I recovered a judgment myself.

Q. Is it not true that he got a verdict for a small amount against you? A. He did not get a verdict at all.

Q. Didn't he? A. No, sir.

EDWARD F. VAN STAVORN, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Philadelphia.

Q. Are you in the employ of David Baird? A. Yes, sir.

Q. Have you a book here showing this sale to John Barlow of materials for the flag-staff of the State House? *A.* Yes, sir.

Q. Turn to the account. Examine the bill which Mr. Barlow testified was the bill. *A.* Yes, sir; that is the original bill.

Q. Is the account paid? *A.* The account is paid; yes, sir.

Q. Have you made out a memorandum of that account?
A. Yes, sir.

Q. Just hand it to the Clerk.

ABRAM SWAN, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? *A.* Trenton.

Q. What is your occupation? *A.* Architect and builder.

Q. Were you in the employ of the State at the State House—have you been in the employ of the State? *A.* Yes sir.

Q. During what period? *A.* Oh, direct and indirect about 25 years.

Q. At the time this act was passed for the erection of a staff upon the State House, what connection did you have with the matter; just tell the story as you know it? *A.* I accidentally understood through Mr. Hamilton, the State Librarian, that there was to be a flag-staff put on the front portion of the State House, and I had, being the former superintendent of the new building on the front—he asked my judgment where it would be best to put it, and I told him on the front gable; he told me that they were arranging to put one back of the chimney on the back part, and he found considerable fault about them making leaky places into his library, and I got him to take me in to the chairman who had the matter in charge, Mr. Burton, Chairman of the Committee. I inquired of Mr. Burton about it, and he told me that he had placed the whole thing in Mr. Ford's hands, that he had nothing more to do with it.

Q. Was that after the law had been passed? *A.* I don't know anything about the law.

Q. What did you do, did you get up a specification? *A.* I then went and seen Mr. Barlow—yes, sir; that is my specification.

Q. Proceed. *A.* And told him that there was a flag pole to be raised on the State House, and I was satisfied that we could come pretty close to getting the job, and I wanted him to go and see about getting it—putting in an estimate on it, and he did.

Q. Did you get the specifications for it? *A.* Yes, sir.

Q. I show you a pencil specification; is that the specification you drew? *A.* That is mine; yes, sir.

Q. I show you a voucher from the Comptroller's office contain-

ing a copy of this specification, which you will find by verification to be a true one; whose handwriting is that in? A. I don't know, sir; Mr. Goff copied this off.

Q. What did you do with the specification which you drew, did you show it to Mr. Barlow? A. I gave it to Mr. Barlow.

Q. Did you figure on the cost of it for him? A. On the cost of the erection of the pole? Yes, sir.

Q. To be put up where, on the dome or front of the State House? A. The front portion of the State House; the front gable, according to this specification.

Q. Did you see his bid? A. No, sir.

Q. Did you have a conference with him as to what you should bid? A. Yes, sir.

Q. Did you have any understanding as to the share you were to have in it? A. Yes, sir.

Q. What did you agree to bid? A. We first agreed to bid—I made an estimate, and I told him the construction of the pole would cost about \$320, and I said—I explained about taking out the coat of arms which I wanted kept a secret, because I didn't want other bidders to know my way of putting the pole up.

Q. You thought you had information which would enable you to do it cheaper? A. Yes, sir. I built the building. Then I says, \$600 would be a fair price for this; I says, our estimate will be \$600, and that was agreed on.

Q. Who was to put in the bid, you or he? A. He was to put in the bid.

Q. You were to do the work? A. Yes, sir; and all the expenses were to be paid and the profits divided.

Q. Profits divided between you? A. Yes, sir.

Q. Did you go near Ford? A. No, sir.

Q. Who did go to him? A. Barlow done that.

Q. After seeing Ford did he come back to you? A. Yes, sir; he—well, he came back next day, we met here in the hall and I asked him how he was making out, and he told me we would have to change the bid; he says, we have got to use a bid from Ford's office for the flag and pole, and I asked him what it was, and he said it would be \$100 for the pole and \$105 for the flag, which increased the bid and just added one more hundred dollars.

Q. You agreed to put it in at \$700? A. Yes, sir.

Q. Did he go to Ford again? A. Who?

Q. Barlow. A. Yes, sir; then the matter laid for three or four days, and there was something in regard to the delay—I don't know what it was.

Q. Then what happened next? *A.* On the day the bids were to go in Mr. Barlow came to me, and he says, "Abe," he says, "I understand the Governor is kicking about that bid of ours, and," he says, "Ford tells me we can get the job, but," he says, "we will have to take it for \$520;" and the pole was constructed with the understanding that it was to cost \$520.

Q. What did you say to that? *A.* I told him, "Go take it; there is money in it at that;" there would have been about \$100.

Q. Did he go back to Ford? *A.* Yes, sir?

Q. What was the next thing you heard about it? *A.* In about ten minutes he came out and went into the side room, the janitor's room, I supposed to write the bid; Mr. Lanning and Mr. Weller was in Ford's office at the time, and they went over into the Governor's room, and they all three came out with papers and went into Ford's.

Q. When he came out that time did he announce anything about the bid? *A.* No, sir.

Q. When did he tell you he had got the contract? *A.* About ten minutes afterwards he says, "Abe, you can go on with the job," he says, "I've got it."

Q. Where were Lanning and Weller then? *A.* They came out and walked around and congratulating, one thing and another, about getting the job.

Q. Did you suppose then that the bid had been awarded at \$520? *A.* Yes; that was the true bid.

Q. Did you go on with the job? *A.* Yes, sir.

Q. Did you keep this memorandum of the labor? *A.* I ordered all the material, and kept all the accounts and turned them over to Mr. Barlow.

Q. Settle up, did you, for services? *A.* There was no stipulated price.

Q. What did you charge him? *A.* I charged him \$6 a day for eleven days.

Q. And some of these bills that have been shown here you ordered the goods for? *A.* I ordered all the goods except the pole and flag.

Q. Did Mr. Barlow have anything to do, personally, with the pole at all? *A.* I don't know as he did.

Q. Who ordered the goods from Baird? *A.* I don't know.

Q. You didn't? *A.* No, sir; I didn't.

Q. But as to the things up in Trenton, you took charge of all that? *A.* Everything.

Q. What did you next hear about it after the work was done? *A.* On the day the flag was accepted by the committee of the

Legislature there was quite a little turn out, and I was sent for to furl the flag; I understood the flag, and I arranged the flag and fixed it so as to give it the proper furling; and after getting through late in the afternoon, I walked down in the Governor's room, where I generally go to get a drink of water and wash my hands there, and Eddy Fox, who is a clerk in the office, commenced to congratulate me about what fine success I had in raising the pole, and also the handsome sum I made on it; I told him that I didn't make anything, that I had to work almost night and day to get out on it—well, I did work on the plans nights, because it was a little difficult to get it up there—and he kind of smiled, and I seen something was up, and I asked him if he knowed anything different, and he said, no, he didn't, and I asked him, then, if he wouldn't find out, and he told me he would, and I come up the next morning, which was Friday, and I seen him and asked him if he had found out yet, and he said he hadn't; well, says I, “you needn't go any further,” says I, “I will go into the Comptroller's office and find out for myself;” I went into the Comptroller's office and inquired of Mr. Cogill if there had been a bill sent in yet for the erection of the pole; Mr. Cogill told me there had, and the check paid; I asked him the amount, and he told me \$1,350.

Q. Was that the first that you had heard of the \$1,350 in connection with it? *A.* Yes, sir; that was the first I heard of the \$1,350.

Q. You had some difficulty in settling with Mr. Barlow, did you not? *A.* Yes, sir.

Q. You sued him in the Mercer Circuit Court? *A.* Yes, sir.

Q. And this is a formal record of the judgment; they assessed the damages to the plaintiff against the defendant at \$39.50, with costs of suit to be taxed; so Mr. Barlow is evidently in error; \$39 was recovered as well as costs? *A.* Yes, sir.

Q. You had been paid part of your services for labor? *A.* Yes, sir.

Q. Did this story come out before the Mercer Circuit Court, or a part of it, that has been told here to-day; you were both witnesses there at that time? *A.* Yes, sir.

Q. Did you testify then as you have testified now? *A.* I didn't testify to the \$520; my lawyer wouldn't permit me.

Q. Who presided at that trial? *A.* Judge Abbett.

Q. Did Governor Abbett make any comment on this testimony? *A.* Yes, sir; that he would bring the matter before the Grand Jury.

Q. Did he say anything about it; did he make any remarks there about "swag?" A. I don't recollect.

Q. Didn't you hear him say that a court of justice was no place to divide swag? A. Yes, sir; that was his charge.

Q. He said that to the jury, did he? A. Yes, sir.

Record of the judgment in the Mercer Circuit Court, in the case of Swan vs. Barlow, is offered in evidence and marked "Exhibit 12."

Q. Then this \$515 which Mr. Barlow says the entire work cost includes all your services in the matter at \$6 a day for the time you spent; you heard Mr. Barlow's testimony that the work cost \$515. A. Yes, sir.

Q. Your bill includes \$6 a day for all the time you spent there; your bill rendered to him included that? A. Yes; I sent Mr. Barlow—that is, I started when I found out the price; I became a little angry to think I was fooled in the manner in which I was, and I started down to the cigar store which he stops at, and he wasn't there; I understood that he had gone to Camden. I made out a bill as near as my books would tally up and took the basis at \$600 for the bid, and presented him a bill for that.

Q. Your bill to him was presented on the basis of \$600? A. Yes, sir.

Q. But the verdict you recovered was only on the basis of day's labor? A. I don't know at what basis it was.

Q. You don't know what basis the jury made it up on? A. No, sir, I do not; it was a queer trial.

Q. Do you know whether anybody else put in bids for this work? A. No, I do not; I seen no bids.

Q. Do you say Mr. Lanning and Mr. Weller were present with Mr. Barlow at the time the matter was under consideration in Mr. Ford's office? A. Yes, sir.

Q. Who went into the Governor's office about it? A. Mr. Weller and Mr. Lanning; that is, in his unoccupied office; it is the first office, not the old main office.

Q. You spoke of Mr. Ford; I understood you to say Mr. Ford went to the Governor about it? A. No, sir; I know nothing about that; I didn't say that.

Mr. Corbin—I desire to present next some evidence to the Committee in regard to supplies furnished at the State House annually for the use of the Legislature, and to show the custom that has prevailed at the State House in regard to that matter for some years.

JOHN RIKER, sworn.

Examined by MR. CORBIN.

Q. What is your present employment? A. I am a messenger in the Treasurer's office.

Q. How long have you been employed at the State House? A. Since September 1st, 1886.

Q. Are you familiar with the methods pursued in furnishing supplies for the Legislature? A. Yes, sir.

Q. What has been the custom in years past? A. Why, when the time arrived I would go in the Comptroller's office and get a bill, and take a list of supplies that was furnished the year before and make out another list.

Q. That was for the Treasurer? A. Yes, sir; that was for the Treasurer.

Q. Prior to the Superintendent's time? A. Yes, sir; that was done that one year, that was all.

Q. And from that the bill of goods was ordered for the use of the Legislature? A. Yes, sir.

Q. And that is for the beginning of the Legislative session? A. Yes, sir.

Q. What is ordered by the Legislature goes into the Incidental bill? A. Yes, sir; the Legislature orders their own.

Q. This is the preliminary supplies? A. Yes, sir.

Q. Such as what kind of goods? A. Hair brushes, soap, chamois skins, feather dusters, combination hat and coat brushes, and what is left over we use around the building.

Q. That custom of buying a bill of goods before the session prevailed before the Superintendent came here, as well as since? A. Yes, sir.

Q. The Treasurer formerly did it? A. Yes, sir.

Q. The Superintendent after? A. Yes, sir.

Q. And now the Custodian? A. Yes, sir.

Mr. Corbin—I desire to present a certified statement from the Comptroller in regard to this same matter of preliminary Legislative supplies. I hand you herewith the list statement, showing cost of furnishing Legislature tumblers, brushes, spittoons, &c., from 1884 to 1895, inclusive:

1884.....	\$363
1885.....	424
1886.....	382
1887.....	527
1888.....	674

1889.....	\$417
1890.....	1,113
1891.....	975
1892.....	1,169
1893.....	1,104
1894.....	1,312
1895.....	891

(Paper offered in evidence and marked "Exhibit No. 13.")

I desire to offer in evidence the bills for these supplies; first, the bill of Samuel Dickinson, of December 20th, 1889; these bills are for part of the supplies of that year; there is one large bill and other small ones; there is a bill of \$872 for Mr. Dickinson; bill of Alexander I. Reilly, December 22d, 1890, for \$748.40; bill of Mr. Reilly, January 14th, 1892, \$1,054.83; bill of Mr. Reilly, December 10th, 1892, \$823; bill of Mr. Reilly, January 14th, 1894, \$1,186.18.

(Said bills offered in evidence and marked "Exhibits 14, 15, 16, 17 and 18.")

I also offer the warrant to Samuel Dickinson for \$872.10, dated February 13th, 1890, together with State's check paying the same; also the warrant to Alex. I. Reilly, January 28th, 1891, for \$748.40, and the check by which the same was paid; also warrant dated January 26th, 1892, to Reilly, for \$1,054.83, with check by which the same was paid; also warrant dated December 13th, 1892, to Reilly, for \$823, and the check by which the same was paid; and also warrant to Reilly, dated January 15th, 1894, for \$1,186.18, and the check by which the same was paid—and the same are marked "Exhibits Nos. 19, 20, 21, 22 and 23."

WILLIAM PRICE, sworn.

Examined by MR. CORBIN.

Q. Where do you live? A. Brooklyn, New York.

Q. What is your occupation? A. Bookkeeper.

Q. For whom? A. Bradley & Smith.

Q. Have you examined their books, and have you statements to show goods bought of Bradley & Smith by Mr. B. J. Ford, or for the State House at Trenton? A. I have a memorandum of the amounts; just a pencil sketch I took off.

Q. Please look at this bill, this duplicate invoice dated January 6th, 1891, for a bill of goods to B. J. Ford, Trenton, N. J. To whom were those goods shipped, and where? A. They were shipped by the New Jersey Railroad, addressed to B. J. Ford, Trenton, N. J.

Q. (Showing witness paper). Is that the shipping receipt? A. Yes, sir.

Q. To whom was the bill sent? A. The bill was sent to B. J. Ford, at 26 Bridge street, Newark, N. J.

Q. What is the amount of that? A. \$118.35.

Q. Look at this invoice of January 8th, 1891, for \$23; is the same true of that? A. Except as to the way it went.

Q. It went by another road? A. It went by the Adams Express, but the bill went the same way.

Q. I show you a duplicate invoice of December 16th, 1891, B. J. Ford, \$211.84; was that sent likewise? A. Except that it went by the Pennsylvania Railroad.

Q. And the bill sent to Newark? A. The bill sent to Newark.

Q. Look at the invoice of December 3d, 1892, \$52.75? A. That also went the same as the others.

Q. Look also at the invoice of December 12th, 1893, \$181.17. A. That also went in the same way.

Q. Who paid for these goods? A. Mr. Ford.

Q. By his individual check? A. That I am not sure of; I think if he did not I should have noticed it.

Q. Can you state the dates when they were paid, and whether there were any discounts for cash, or anything like that? A. January 6th, 1891, was paid by check on January 12th, 1891, with 2 per cent. off for 10 days cash; the bill of January 8th was paid by check on January 12th, less 2 per cent. for ten days cash; the bill of December 16th, 1891, was paid by check received December 28th, 1891, less 2 per cent. for 10 days cash; the bill of December 3d, 1892, was paid by check December 8th, 1892, less 2 per cent. for 10 days cash; the bill of December 12th, 1893, was paid by check December 18th, 1893, less 2 per cent. for 10 days cash.

Q. And all these goods I understand you were shipped to the State House, Trenton? A. They were, sir.

Q. Who bought these goods? A. Mr. Ford himself.

Q. Did he come to the store? A. Yes, sir.

Q. Each year when these bills came? A. Yes, sir.

Q. What are these prices, wholesale prices or retail prices? A. They are wholesale prices, averaging I should say 10 per cent. higher than the prices we sell to our best trade, what we

call the jobbing trade; that is to say our lowest prices are less by 10 per cent. than they are.

Mr. Corbin—I desire to present to the Committee duplicate invoices from Messrs. Colgate & Company, soap makers and perfumers, John street, New York, certified to be correct by them, and I would like to put this in for the purpose of comparison at this time, referring if necessary to the duplicate invoices actually proved. One of these invoices is dated December, 1890; another December 12th, 1891; another December 5th, 1892; December 9th, 1892; December 27th, 1893; with a memorandum attached to the bill as to the shipment, billed to the State House, Trenton, N. J., but marked “B. J. Ford, Superintendent,” with a memorandum of payment by Mr. Ford, less 2 per cent. discount for cash in each case. I have the different dates of payment, they are all within 10 days of the date of the bill.

I may say to the Committee at this time, for the sake of completeness, that there are no bills to the State on file in the Comptroller’s or Treasurer’s office for these goods, although they are all shipped to the State House; there is nothing from Colgate & Company, and nothing from Bradley & Smith, although they were shipped to the State House, and they went on the books of Colgate & Company charged to the State House, they were not billed to the State House or paid for by the State.

Also an invoice in regard to which I would like to make some reservation, producing a witness hereafter to verify the facts, if necessary, from Miles Bros. & Co., 102 Fulton Street, New York, invoice December 22, 1893, and December 29, 1893, for \$143, for hair brushes, combs and whisk brooms and other materials.

ALEXANDER I. REILLY, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. In Newark, sir.

Q. What is your occupation? A. I am superintendent of agents for the Prudential Insurance Company.

Q. How long have you been in their employ? A. Thirteen years next May.

Q. Do you know Mr. Bernard J. Ford? A. Yes, sir.

Q. In what way, if any, are you related to him? A. He is my wife’s uncle.

Q. I show you a bill dated Newark, December 22, 1890, N. J. Legislature, bought of Alexander I. Reilly, \$748.40; is that in your handwriting? A. Yes, sir.

Q. Look at the affidavit on the back, is that your signature to the affidavit? A. Yes sir.

Q. Did you swear to the affidavit? A. No, sir.

Q. You did not? A. No, sir.

Q. Didn't go before any officer to swear to it? A. No, sir.

Q. The affidavit is this: "New Jersey, ss.—Alexander Reilly, being duly sworn, saith that this account is correct and just, and that the services were rendered and articles furnished as stated therein. Alexander I. Reilly. Sworn and subscribed before me this 27th day of January, 1891. Michael T. Barrett, Master in Chancery, Newark, N. J." To whom did you give this bill after you had signed the affidavit? A. I think I gave it to Mr. Ford.

Q. Did you furnish any materials to the State? A. No, sir.

Q. How came you to make up this bill to the State? A. Mr. Ford represented to me that he had expended his money in the purchase of these goods in New York at bottom prices in order to save money to the State, and that he could not, being an employe of the State, render a bill for it, and he asked me if I wouldn't make a bill out in my name and submit it.

Q. Did he first make a bill and bring to you? A. He brought a memorandum similar to that.

Q. With items and prices? A. Yes, sir.

Q. And you copied this in your handwriting from that memorandum? A. Yes, sir.

Q. Where was that done? A. In Newark.

Q. At what place in Newark? A. It was either in my office or in his house; there were two made up in his house, and two in my office, I think.

Q. I show you bill of January, 1892, which appears to be the next one, dated Newark, January 14th, 1892: "Legislature N. J., to Alexander I. Reilly, \$1,045.83," with an affidavit on the back signed "Alexander I. Reilly; sworn and subscribed January 22, Michael T. Barrett, Master in Chancery, N. J." Did you swear to that affidavit? A. No, sir.

Q. Was the jurat already on it signed, or was it in blank when left in your hands; by the jurat, I mean the Master's certificate? A. It was—I was with Mr. Barrett when he signed it.

Q. You were with him in that case, in 1892? A. Yes, sir; and in both cases.

Q. Where was it? A. The first one was at his house, and the other one was down at the city hall one evening.

Q. You mean to say he had this bill with him? A. I had it with me; I took it to him.

Q. Before you gave it to Mr. Ford? A. Yes, sir.

Q. How about the other two? A. Two years following; made no affidavit to either of those.

Q. You swore to none of them? A. None of them.

Q. Did you go before any Master in Chancery? A. There was one of them was made out by a notary public.

Q. Did you go before the notary public? A. He was there, but I made no affidavit.

Q. Where? A. At my office; I think that was the last one.

Q. But you made no affidavit? A. No, sir.

Q. In none of the cases? A. None of the cases.

Q. You are sure the officers signed in your presence? A. I don't know that, sir.

Q. You don't know whether they did or not? A. No, sir.

Q. Look at the third bill, December 10th, 1892, for \$823; is that your signature to the affidavit? A. Yes, sir.

Q. And is the bill in your handwriting? A. Yes, sir.

Q. Look at the fourth bill, January 14th, 1894, for \$1,186.18; is that likewise in your handwriting? A. Yes, sir.

Q. And the signature to the affidavit? A. Yes, sir.

Q. But you didn't swear to it? A. No, sir.

Q. And these were all copied by you from notes which Mr. Ford handed to you? A. Yes, sir.

Q. And either at his house or at your office? A. Yes, sir.

Q. Do you remember which at his house and which at your office? A. The last one was made out at his daughter's house, and I think the first one was made out at his house and the other two at my office.

Q. What did you do with the memoranda he gave you from which you copied these bills? A. I returned it with the bill.

Q. To him? A. Yes, sir.

Q. Handed them back to him? A. Yes, sir.

Q. Was he with you while you were doing the copying? A. No, sir.

Q. How long did he leave the bills with you? A. Oh, when I made it out in his house I completed it.

Q. While he was there? A. Yes, sir.

Q. And he took it right away with him? A. Yes, sir.

Q. And then you did not go before any Master that time, did you? A. No, sir.

Q. Which one was that? A. That was the first one.

Q. And the second one, where was that? A. Where was that made out?

Q. Yes. A. In my office.

Q. Did he stay while you were making it out? A. No, sir.

Q. How long did he leave it with you? A. A day or two.

Q. Did you go before Barrett? A. I took it down with me.

Q. Did you leave it with Barrett or Ford? A. I brought it away with me.

Q. From Barrett? A. Yes, sir.

Q. Barrett signed that, then, in your presence? A. Yes, sir.

Q. Then you gave it to Ford? A. Yes, sir.

Q. With the memorandum from which it was made up? A. Yes, sir.

Q. And how about the third one; where was that made? A. I don't recollect the third one, where—it was made out in my office, I think.

Q. And handed back to Ford? A. Yes, sir.

Q. Do you think he was there while you were doing it? A. No, sir, I don't think so; I think he called for it, or I took it to his house, I forget which.

Q. Did you go before any Master with that one? A. I don't recollect that one.

Q. How about the last one, which was a year ago now, last winter? A. That was made out at his daughter's house.

Q. And what did you do with it after you had made it out, hand it back to him? A. Handed it to him; yes, sir.

Q. And he took it away with him? A. Yes, sir.

Q. Then you didn't go before Knell at that time? A. He was in my office at that time.

Q. When did he sign that in your office; were you there? A. Yes, sir.

Q. That must have been later then, afterwards? A. After I had made it out.

Q. You say you made it out at his daughter's house? A. Yes, sir.

Q. How did Knell ever see it? A. He brought it down to my office.

Q. Mr. Ford did? A. Yes, sir.

Q. Did you ever see any of these goods that were mentioned in any of these four bills? A. No, sir.

Q. Do you know where they came from? A. No, sir.

Q. Do you know anything about the prices? A. No, sir.

Q. You didn't buy any goods for the State? A. No, sir.

Q. Nor sell any to the State? A. No, sir.

Q. You simply made out these bills to accommodate Mr. Ford? A. Yes, sir.

Q. Well, Mr. Reilly, look at this warrant for \$748.40, which seems to have been received by you January 28, 1891; is that your signature to the warrant? A. Yes, sir.

Q. Is that your endorsement upon the check? A. Yes, sir.

Q. And from the endorsement you would appear to have deposited that in the North Ward Bank? A. Yes, sir.

Q. Have you got your bank book here with the North Ward Bank? A. Yes, sir.

Q. You deposited that with them on January 31, 1891? A. Yes, sir.

Q. Have you your check books here, and your checks? A. Yes, sir.

Q. Show us what you did with that money. You have a check here drawn to Alexander I. Reilly, \$740; what did you do with it? A. I give it to Mr. Ford's daughter.

Q. Was that the same day on which you deposited the money? A. Yes, sir.

Q. And left your balance in the bank a very trifling sum, did it not, just a few dollars? A. Yes, sir.

Q. I show you the second warrant, January 26, 1892, for \$1,054.83; is that your signature at the bottom of the warrant? A. Yes, sir.

Q. Is that your endorsement upon the check? A. Yes, sir.

Q. That you also deposited in the North Ward Bank? A. Yes, sir.

Q. Show us your bank-book; this is the deposit, is it not, on January 27th, 1892, \$1,054.83? A. Yes, sir.

Q. What did you do with that money? Here is the check the same date, January 27th—the year seems to have no date—"Pay to bearer \$1,054.83;" did you draw that money? A. Yes, sir.

Q. What did you do with the money after you had drawn it? A. Give it to his daughter.

Q. Mr. Ford's daughter? A. Yes, sir.

Q. What balance did that leave you in the bank? A. Three dollars.

Q. Look at the third warrant—December 13th, 1892, \$823—did you sign that warrant? A. Yes, sir.

Q. Did you endorse the check which paid it? A. Yes, sir.

Q. That is stamped, "For deposit to the credit of the Fidelity Title and Deposit Co.;" what did you do with that? A. Drawed that—cashed by the Fidelity Bank.

Q. They cashed it for you? A. Yes, sir.

Q. What did you do with the money? A. I gave it Mr. Ford's daughter?

Q. And the fourth one, the warrant of January 15th, 1894, for \$1,186.18, did you sign a receipt for that? A. Yes, sir.

Q. Did you endorse the check? A. Yes, sir.

Q. That seems to have a stamp also of the Fidelity Company; did they cash that for you? A. Yes, sir.

Q. To whom did you give the money? A. Mr. Ford's daughter.

Q. Does his daughter live with Mr. Ford? A. No, sir.

Q. Where does she live? A. She lives now in Rowland street.

Q. She lives in Newark? A. Yes, sir.

Q. Why did you give it to her, was that Mr. Ford's direction? A. Yes, sir.

Q. Where did you give it to her? A. At her home.

Q. Which was at what place at that time? A. In Newark.

Q. Took the money to her and gave it to her? A. Yes, sir.

Q. Is she a married or unmarried person? A. Not married.

Q. And doesn't live with her father, you say? A. No, sir.

Q. With whom does she live? A. Her brother and an aunt.

Q. Did Mr. Ford give you that direction each time, to deliver it to her? A. Yes, sir.

Q. Do you know anything at all about these goods mentioned in these four bills? A. I do not, sir.

Q. Had you any connection with the transaction at all, except what you have stated here? A. None, sir.

Q. Did you have any profit out of it yourself? A. Not one cent.

Q. (By Senator Voorhees) I understood you to say that you received, directly or indirectly, no profit out of the transaction? A. No, sir.

Q. (By Senator Voorhees)—And you made out these bills at the request of Mr. Ford, for the reason that you stated, that you supposed it was in order that he might get the money for them? A. Yes, sir; he was a man with whom I had the most implicit confidence, and he had always been considered honest before, and I didn't have any reason to suspect he was doing anything wrong at that time, nor would he lead me into anything wrong; I done it innocently, and innocent of any harm, supposing it was all right.

Mr. Corbin—These invoices have come, some of them, to my hands only to-day; I have had but little opportunity to make examination such as I would like to make, but I do desire to call the attention of the

Committee to some facts in respect to them which are quite obvious at a glance. The goods which we find in these invoices that I have presented are the same sort of goods in Mr. Reilly's bill; some of the items in the invoices will be found to be copied in the same order in Mr. Reilly's bill, a coincidence which seems quite significant. The prices do not agree, except possibly in a very few cases, the prices in Mr. Reilly's bill being very much higher; the quantities, likewise, do not agree, except in some few instances, the quantities in Mr. Reilly's bills being more than those which I have observed in the invoices. For example, the first bill of Mr. Reilly, dated December 22, 1890, for \$748, begins in this way:

"Five dozen ostrich-feather dusters, 18 inches, \$25 a dozen, \$125." Now, referring to Messrs. Bradley & Smith's bill for what they sent to the State House a few days before that, it will be seen that their bill is actually dated after—there is another matter which I ought to call the attention of the committee to—Mr. Reilly's bill is dated December 22, 1894, about three weeks anterior to the meeting of the Legislature, approved correct by Mr. Ford, January 26, 1891, more than a month later, and the affidavit is dated January 27, 1891: Bradley & Smith's bill, which has these items upon it, is dated January 6, 1891; it would seem on the face of it to be the antedating of the Reilly bill—for instance, these feather-dusters upon Bradley & Smith's bill read this way: "Four dozen feather-dusters, 18 inches, at \$16.50 a dozen, \$66, with 2 per cent. off for cash." On the Reilly bill it reads this way: "Five dozen ostrich feather-dusters, 18 inches, \$25 a dozen, \$125;" the result being quite a difference, the difference between \$66 and \$125. Then the second item on Bradley & Smith's bill, for instance, is shoe brushes; half a dozen shoe brushes at \$8 a dozen, \$4; on the other bill it is put down at "two dozen daubers, \$2 a dozen, \$4. Then an item of one and a half dozen; and on the other two dozen, instead of three dozen, at \$11.50 a dozen, and so on, the item being about three times as great; and so it runs through these bills; all the items on Bradley & Smith's bills can be practically identified in the Reilly bills, but the quantities are in most cases increased, and the prices, I think, in practically all the cases. Here is

a rather important item, because of its size: Four dozen chamois skins, No. 9, \$26.40; on the other it is put down as four dozen extra chamois skins at \$10.20, \$40.80. There are some other items of that sort which are still more striking. Whisk brooms, two dozen, \$3.50 a dozen, \$7; put on the other bill, four dozen at \$7.50 a dozen, \$30; and so it runs.

Now, when we come to the bills, for example Colgate's bill, four dozen of Pelham soap, \$5.65 per gross, on the bill rendered to the State, Pelham's soap is at \$6.50 per gross, making the bill a few dollars larger than it was; there it is \$26 charged to the State, and here it is a matter of \$21 and something; so with the next item, the White Clematis soap on Colgate's bill, \$9.50 per gross, and there are two-thirds of a gross, and on the bill rendered by Mr. Reilly it is two-thirds of a gross, \$10.

I call attention to these figures because they seem to explain on their very face the reason why these charges for preliminary legislative supplies are so enormously increased during the last three or four years; it used to be \$300, and it speedily went up to \$1,100. The bill for instance of January, 1892, may be compared with the bills from Bradley & Smith: the date of Mr. Reilly's bill in that case is January 14th, 1892, just about the day the Legislature met; the goods that came from Bradley & Smith came a few days before, in December, 1891, and in that instance the same order is followed in Reilly's bill that is followed in Bradley & Smith's, an incident which seems to me to be quite significant—it must be so—for example, in this bill the first item in Bradley & Smith's bill is three dozen bristle brooms at \$30, and in the other they are put at \$36 a dozen, or \$108; and so two dozen double dusting brushes at \$9 a dozen, and in the other bill \$14.50 a dozen.

These bills are all approved "B. J. Ford, Superintendent of State House." This one of January, 1892, is approved correct January 18th, 1892, "B. J. Ford, Superintendent, approved for \$1,083. George R. Gray, State Treasurer;" I think each has the State Treasurer's endorsement. So the bill of December, 1892, is first approved as correct by Ford, and also by Mr. Gray; so with the bill of December, 1893, the same thing is true; the general remark applies to them all: the quantities in some cases agree, in most cases they do not,

being larger than Mr. Reilly's bill, some places double, and the prices are almost invariably larger. In a number of instances the order of the items will be found to agree in two bills, and in some places they are reversed.

WILLIAM H. PRICE, recalled.

Examined by MR. CORBIN.

Q. In regard to these goods furnished to Mr. Ford in the four bills to which you have testified, are these goods stock goods, or were they made to order? A. I don't think they were made to order; if so, I can state from the bills.

Q. (Witness shown bills). A. Nothing in them.

Q. You say there is nothing that was made to order? A. Yes, sir.

Mr. Corbin—It is a fact that on the bill rendered by Mr. Reilly there is a statement that some of these items were made to order; that statement appears in a few instances only.

Adjourned until Friday, March 8th, 1895, at 10 o'clock.

March 8th, 1895.

Continuation of examination pursuant to adjournment, at the place and in the presence of the Committee and Counsel as before.

Mr. Corbin—At the first hearing some evidence was offered with regard to the supplies about the State House, and I have some little further testimony to put in at this time on the same subject.

SAMUEL DICKINSON, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Trenton.

Q. What is your occupation? A. Druggist.

Q. I show you duplicate invoices from McKesson & Robbins, of New York, sent in answer to your letter written last week, for goods bought by you in December, 1889. Did you go personally to New York to buy these goods? A. I did, sir.

Q. And the firm of McKesson & Robbins got them together for you, did they not, and sent them here? A. Yes, sir, and sent them here.

Q. The invoices include certain lines of goods which they did not deal in, does it not? A. I should suppose some goods they didn't have in stock was furnished me.

Q. And they got them together and sent you one bill for all?
A. That is the best of my recollection.

Q. And did you not say to the salesmen of whom you purchased them that you were getting them for an order from the Superintendent of the State House? *A.* I intimated that they were to go to the State House.

Q. I show you a copy of your bill rendered to the State House. There are some goods here, are there not, which you did not buy from McKesson & Robbins? *A.* Yes, sir; I bought some goods here in Trenton manufactured, I think; brushes from Clayton.

Q. But your entire bill to the State was made up from what you bought of McKesson & Robbins and what you got of Clayton? *A.* Yes, sir.

Q. Nothing supplied from your own stock? *A.* I don't think there was anything at all, sir. I am not a general dealer in those goods.

Q. What do you deal in? *A.* I am just a manufacturer of medicines.

Q. A general storekeeper—druggist? *A.* No, sir.

Q. Manufacturer of special medicines? *A.* Special goods; yes, sir. Under my name.

Q. I show you the original bill rendered by you to the State. In whose handwriting is that? *A.* I cannot say, sir.

Q. Was it made up at the State House, or at your office?
A. At the State House, I think.

Q. By one of Mr. Ford's clerks? *A.* That is the way I understood it.

Q. You gave him the memorandum of the goods, did you, and they made the bill for you? *A.* Yes, sir.

Q. Why was that done at the State House and not at your store? *A.* I supposed it was in the regular order; I get a good many vouchers from the State House there made out here on State House bills.

Q. This is made out on a plain sheet of paper, is it not?
A. Yes, sir.

Q. Who put down the price opposite the several items?
A. I couldn't say, now.

Q. Was that done at the State House, also? *A.* I should think it was.

Q. You didn't fix the prices, then? *A.* To the best of my recollection I made out a bill from McKesson & Robbins, and added on a certain percentage. I can't tell you now—

Q. Do you recollect what that percentage was? *A.* Well, it was a pretty fair percentage.

Q. What do you call pretty fair percentage? A. I call a good percentage 50 per cent., probably 66.

Q. What is a pretty fair percentage? A. Well, I should think that was a pretty fair percentage, too.

Q. A pretty big one, isn't it? A. Yes, it is, but there is in drugs—we make a big percentage, but the cost of the article is not taken into consideration as much as it is to get it introduced.

Q. Are there any drugs here in this bill? A. I couldn't say; I don't have a recollection; I ought to have kept this, I suppose, for better order.

Q. Well, feather dusters, are those drugs? A. No.

Q. Colgate's soap? A. Those are sundries.

Q. Polishing brushes? A. All sundries.

Q. Blacking brushes, scrubbing brushes. None of those come under the head of drugs, do they? A. No, sir; regular sundries.

Q. Carried by supply houses, are they not? A. Yes, sir.

Q. Now, let me refresh your memory in regard to these prices. Ford gave you a list, did he not, of the goods that would be required at the State House? A. Yes, sir.

Q. In giving you that list, were there not marked upon it already, before you bought the goods, some prices, indicating what the prices had been the year before? A. I don't recollect that way.

Q. You think the list that was furnished you simply contained a list of the goods? A. I think it was in the shape of a requisition for certain goods.

Q. And the prices put down opposite them were put down at the State House afterwards? A. I presume so.

Q. Now, I show you a comparative statement that I have made up of these goods which you bought at McKesson & Robbins, for which you paid \$433.10. I observe that you have charged them to the State, the same items, at \$735.55, or that you have added \$302.45, or 75 per cent.? A. I think some of the other bills were in that; I only had one bill.

Q. Yes, there are other items here which I have not accounted for, but which you say came from Clayton. But, taking out the items of McKesson & Robbins' bill, all of which appear in your bill to the State, those are the figures. Now, was that 75 per cent. added by you, or added by Ford? A. Well, I think it was added by me; I am not sure about this thing, it is so long ago, and I have kept no record of it, but I should think on this bill I would make about that much money.

Q. Your ideas of good profits have advanced since I asked you the question before, have they? *A.* No, not specially; it might be that it was more or less—50 per cent. or 60.

Q. You went to New York one morning and bought these goods from McKesson & Robbins, ordered them to ship them in one bill to Trenton, and afterwards the bill for them was made out for you at the State House. Did you do anything to earn that \$302 except to go to New York that morning? *A.* I paid for the goods; I had the trouble of having them unpacked and all gone over and examined; I think, to the very best of my knowledge, a week, employed a couple of clerks to do it besides myself.

Q. Did the goods come to the State House or to your store?

A. The goods came to my store and were shipped from my store to the State House.

Q. And a bill of \$400 worth of goods took two clerks a week to unpack? *A.* I think there was more goods in that than that; I don't think McKesson & Robbins' bill of the amount of goods as furnished, because there were other things that were manufactured in Trenton.

Q. I will give you every opportunity to test the correctness of these figures. You will find every item of McKesson & Robbins' bill upon your bill to the State, and that they amount to \$433. Did the State pay you first, or did you pay McKesson & Robbins first? *A.* I paid McKesson & Robbins first; I wouldn't be sure about that; I had credit enough to get that much goods, or more.

Q. But the State paid you promptly upon rendering your bill, did they not? *A.* To the best of my recollection, they did.

Q. I observe your bill is approved by Mr. Ford, February 4, and that the check paying it was given to you by the State February 13; is that your endorsement upon the check? *A.* That is my endorsement; yes, sir.

Q. Why did you add so much as \$300 to a bill of \$400 on a cash sale? *A.* I don't think it was a bill of \$400; I think it was more.

Q. You think McKesson & Robbins' bill was more? *A.* No, I don't understand that there was only McKesson & Robbins' bill in that bill that was paid by that check.

Q. I am speaking only of the part McKesson & Robbins furnished to you. You paid them \$433. For those items in the State's bill you got \$735. Why did you add so much? *A.* I can't tell exactly about that; I don't have enough recollection whether that was all of it or not.

Q. That is all of that part of it; Clayton's part I have no

doubt there is a profit on too, but that I have not got in there. You received from the State \$872. Did you have to pay a commission to any body? A. No, sir; I did not.

Q. Did you pay any? A. I didn't pay no commission.

Q. Did you make a present to any body? A. I didn't make no presents, unless they call some champagne and cigars, or something of that kind—

Q. About how much of that was there? A. Well, quite a lot, off and on.

Q. Well, about how much in dollars? A. About a hundred dollars.

Q. To whom did you give the hundred dollars' worth of champagne? A. It was no particular people at all concerned in it.

Q. What general people? A. Dozens; I couldn't tell you to save my neck; I don't know—Ford and Thompson.

Q. Anybody else? A. No.

Q. All came to the State House, didn't it? A. People that I did this thing for?

Q. Yes. A. No.

Q. Or did you send it to their house? A. No, I didn't send it to their house; it was drank on the spot.

Q. Won't you say who drank it on the spot? A. I haven't the slightest idea.

Q. When you sent it up to the State House you certainly said, "For Mr. So-and-So, with the compliments of Mr. Dickinson"? A. I sent it to Ford's office.

Q. Did you send it to the State House? A. I did send it to the State House, a good deal of it.

Q. Where did you send the rest of it? A. Bought it regular in the place where we happened to be.

Q. Where did you send it to? A. Didn't send it at all; drank it and ate it on the spot.

Q. Who helped you drink it on the spot? A. Lots of people; I don't remember at all who they were.

Q. You have mentioned Mr. Ford and Mr. Thompson as two assistants in that champagne? A. I think they received quite some of it here.

Q. What Mr. Thompson did you refer to? A. He used to be sheriff.

Q. Was he the man who was assistant to Mr. Ford? A. I think he was.

Q. Now, to whom else at the State House did you send any champagne? A. My dear sir, I couldn't tell you nobody that I know of at all, that I recollect.

Q. You remember only those two? A. That is all that I sent to Ford's office; I knew they were there.

Q. Were you called upon to make any assessment or contribution politically on account of these orders? A. Not on account of those—I always have done it.

Q. Did you make any contribution? A. No, sir.

Q. Did you make any contribution in any way except the hundred dollars' worth of champagne? A. That is all.

Q. If you desire to examine this comparative sheet you have the opportunity to do so.

Mr. Corbin—I offer in evidence the duplicate invoices from McKesson & Robbins. (Marked "Exhibit 30.")

I also offer in evidence comparative statement of prices charged to Mr. Dickinson and prices charged to State ("Exhibit 31").

Senator Voorhees—One of the members of the Committee would like to ask the witness a question.

Examined by SENATOR DALY.

Q. McKesson & Robbins are wholesale dealers? A. Yes, sir.

Q. The trade buy of McKesson & Robbins? A. Yes, sir.

Q. And this excess of price that you charged over and above what you paid McKesson & Robbins, that was the profit? A. That was the profit.

Q. To you? A. To me.

Q. And drug profits are high? A. Yes, sir; very high.

Q. And you made no exception in this case? A. No, I made no exception, sir, at all.

Q. Brushes are sold in the drug trade? A. Yes, sir; all these things are sold in the drug trade.

Q. They are all incident to the drug trade? A. Yes, sir; all incident.

Q. And the prices that you charged were the ordinary prices? A. Yes, sir.

Q. Was the ordinary profit to the dealer—to you; that is so, isn't it? A. That is so, I believe, as I understand you; but when you talk about brushes and soaps and that sort of thing, why, you can get goods, you know, all the way from a dollar a dozen up to forty, and more. Ford was kind enough to say to me, although we never had any dealings but this one, that it was the best lot of goods that was ever delivered to the State House, and I supposed this bill was regular; I know nothing to the contrary; it cost something to get these goods.

Q. And this champagne that you speak of? A. That is just simply incidental, by the way.

Q. The champagne? A. There might have been some champagne or have been some cigars.

Q. This champagne that you bought and sent here, was it a voluntary favor upon your part? A. Entirely so.

Q. And you did it out of a spirit of generosity? A. Nothing else, sir, because I was making—as I thought I had a good contract.

Q. And you thought it a good contract; your profits—they were not in excess of what you would charge anybody else? A. Not the slightest.

Examined by MR. CORBIN.

Q. How came you to let Mr. Ford's clerk make out the bill? A. Well, I don't exactly know the reason; the bills—I have often had different bills made from the State House, made on vouchers from here, from the office of the Comptroller.

Q. This is not made on a voucher. A. I see it isn't now; I wouldn't have known it unless you showed it to me; I had forgotten about that entirely; I don't know why it was made that way; I don't have any idea of it.

Q. Now, I call your attention to another fact. This bill is stamped "correct, February 4th, 1890, B. J. Ford," and you appear not to have sworn to it until February 10th, 1890. Do you recollect how that was? A. No, I don't; I think that the bill was paid before—my bill to McKesson & Robbins—before this was paid to me, but I am not sure about that.

Q. You say Mr. Ford stated to you this was the best lot of brushes that he had ever brought here? A. That is what he told me.

Q. Are you aware that that was the first lot he ever bought? A. No, sir.

Q. You know this was in December, 1889? A. Yes, sir; I supposed he had been furnished, or somebody else had been furnishing the State House all the time with these goods.

Q. Do clothes-baskets come under the head of drugs? A. Sundries.

Q. Furnished by druggists? A. Yes, sir.

Q. And waste baskets? A. Yes, sir.

Q. Those are drugs? A. Not drugs; they are furnished by druggists; druggists' sundries.

Examined by MR. DALY.

Q. In the drug business you sell fancy articles, what is denominated fancy articles? A. Yes, sir.

Q. Useful articles for the household? A. I don't do it now, or didn't do it at that time; I have been in a special manufacturing business.

Q. But you sold them? A. I am in a good way, you know, for getting any order that is placed in my hands for you or anybody else; I can get goods for you, if you want to stipulate before you start, or if you want to leave it until after you are through.

Q. But you are in that line of trade? A. I am in that line of trade; yes, sir.

JOHN RIKER, recalled.

Examined by MR. CORBIN.

Q. I think you testified that you are a clerk employed, or rather messenger employed now, in the State Treasurer's office? A. Yes, sir.

Q. But really hired under the head of the State House expense, really under the Superintendent of the State House? A. Yes, sir.

Q. Under the State Treasurer before the Custodian bill was passed, and to a certain extent connected as clerk of the Superintendent of the State House, were you not? A. Yes, sir.

Q. Was it your duty to copy off these lists of supplies needed for the opening of the Legislature each year so as to have a basis for the orders for the incoming Legislature? A. Only when asked to do so; yes, sir.

Q. But you were asked to do so by the Superintendent? A. Yes, sir; done that every year.

Q. And you did copy off this list for Mr. Dickinson? A. Yes, sir.

Q. Did you copy off the prices which had been previously charged? A. Yes, sir, always put the prices down.

Q. That had been previously charged? A. Yes, sir.

Q. Look at this bill of Mr. Dickinson's and say whether you know if you wrote that? A. No, I don't think so.

Q. Are you sure about it? A. Yes, sir; I am pretty positive.

Q. Do you know who did? A. No, I don't.

Mr. Corbin—I offer the warrant drawn to the order of Mr. Dickinson for \$872.10, dated February 13th, 1890, and the check paying the same. (Marked "Exhibits 32 and 33.")

ASHER E. LAMBERT, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Trenton.

Q. What is your occupation? A. Carpenter by trade.

Q. Have you been in the employ of the State as carpenter?

A. Yes, sir.

Q. At the State House? A. Yes, sir.

Q. During what years? A. From 1881 to 1893.

Q. Were you employed as carpenter during the time when Mr. Ford was Superintendent of the State House? A. Yes, sir.

Q. Under his direction? A. Yes, sir.

Q. Do you remember building some liquor refrigerators in the State House? A. Yes, sir.

Q. When was that? A. I think in November and December, 1890.

Q. How many? A. Two.

Q. Where were they built? A. Built here in the carpenter shop, on the ground.

Q. And where were they placed after they were built?

A. Placed one in the basement and one in the Superintendent's office.

Q. Were they alike? A. No, they were different; one was built of oak, and the other was walnut.

Q. What were they designed for? A. Well, wet goods I should suppose.

Q. Were wet goods put in them after they were made? A. I suppose there was.

Q. The one down stairs was for storage, I suppose? A. Yes, sir.

Q. And the one upstairs for immediate use? A. Yes, sir.

Q. Was it used? A. Yes, sir.

A. How long was it used after it was placed there, in December, 1890? A. I think it was used as long as Mr. Ford was in the office.

Q. Was it supplied with liquors? A. Yes, sir.

Q. Was it frequently used, Mr. Lambert? A. Yes, sir.

Q. Constantly? . Yes, sir. .

Q. Was there a man in charge of it, dealing out the liquors? A. Not all the time; no.

Q. Some of the time? A. I have seen a man on there on Monday nights attending to it.

Q. What did these two liquor refrigerators cost the State? A. About \$225.

Q. Do you remember the time when bids were being asked for the furnishing of the Assembly Chamber? A. Yes, sir.

Q. Did you, under Mr. Ford's direction, take any hand in obtaining bids? A. Yes, sir.

Q. What did you do? A. I went with him to explain—that is, as far as I could.

Q. Explain the bids? A. Yes, sir.

Q. Where did you go with him? A. I went to Newark, one place.

Q. Did you see parties there who proposed to bid? A. Yes, sir.

Q. Do you remember who they were? A. I couldn't give the name of the firm.

Q. You explained the bids? A. Yes, sir.

Q. Did you see other parties afterwards, by his direction? A. Yes, sir.

Q. Who? A. The New Jersey Church and School Furnishing Company.

Q. Whom did you see on their behalf? A. Mr. McKee.

Q. What is his position in that company? A. I think he is president of the company.

Q. Did Ford give you any directions as to what to say to them—as to how they should bid or how they should figure? A. No; nothing more than he did with the previous one.

Q. What did he tell you about their figure in bidding—speak right out, Mr. Lambert? A. Well, if I remember right, I brought him a bid, and he says, "Is that bid to cover the amount, or is there anything on the outside of it?" I says, "I think probably," or that he told me that there would be about 10 per cent., and he told me to go back and tell Mr. McKee that it either should be 20 or nothing.

Q. Did you go back and tell Mr. McKee that? A. Yes, sir.

Q. When lumber was required at the State House for boxing and other purposes, who ordered it? A. I always reported to Mr. Ford; they kept the order-book and gave the order for everything that I needed.

Q. And you checked it off when it came in? A. Yes, sir.

Q. Do you remember lumber being purchased for these purposes from Samuel Heath? A. Yes, sir.

Q. I show you the Comptroller's vouchers, being three bills of Samuel Heath in 1891; one of February 14th, 1891; one of April 23d, 1891, and one of May 30th, 1891; the first is \$ 99.34, being voucher No. 1239, paid in February. Do you recollect

this bill coming in to you originally, or a bill from Heath originally, to be checked up? A. Yes, sir.

Q. Was it originally for this amount or for a smaller amount? A. Well, a smaller amount than what was paid.

Q. Smaller amount than is here now? A. Yes, sir.

Q. Did you check it up? A. Yes, sir; I checked it up.

Q. And to whom did you give it after you had checked it up? A. I gave it back to Mr. Ford.

Q. When did you first hear of the matter of this bill—who brought it back? A. The next I heard of it, Mr. Heath's book-keeper, Mr. Simmons.

Q. William Simmons? A. Yes, sir.

Q. He brought it back? A. Yes, sir.

Q. What did he bring back with it? A. He brought the bill I checked up and another one.

Q. Another one—this new one? A. Yes, sir.

Q. How did the two checks differ? A. Well, he proceeded—

Q. State what he said to you. A. He brought the two bills back and took them out of his pocket, and he says, "This bill has been brought back to our office by Major Hurley, by the directions of Mr. Ford, for something to be added on for political purposes," and he proceeded to show me where he had added on three thousand feet to make up the amount desired.

Q. And he handed you the two bills, did he? A. Yes, sir.

Q. What did you do with the old bill? A. I placed that in my pocket.

Q. What did you do with this new bill? A. The new bill I put back in the envelope that he handed me, and when Mr. Ford was not in his office I went in and laid it on his desk and walked out.

Q. Did you check up the new bill? A. No, sir; I had nothing to do with it.

Q. Was this new bill paid by the State? A. Yes, sir.

Mr. Corbin—I offer in evidence the voucher, being Comptroller's voucher 1239. (Marked "Exhibit 34.")

I also offer in evidence the Comptroller's warrant paying this voucher, numbered 1441. ("Exhibit 35.")

Also the check of the State to the order of Samuel Heath, endorsed Samuel Heath. (Marked "Exhibit 36.")

Q. Did the State ever receive these three thousand feet of additional lumber that is on that bill? A. No, sir.

Q. What did you do with the old bill which you put in your pocket? A. Well, it was mislaid, or something done with it.

Q. Did you take it home with you? A. Yes, sir; I have been unable to find it.

Q. Did you have it there for awhile? A. Yes, sir.

Q. Did you see it since? A. I saw it some-time after that.

Q. Have you recently made search for it? A. Yes, sir.

Q. How do you account for it—did you move? A. Moved, and I cannot find it.

Q. Did you meet Major Hurley soon after this? A. Yes; he was about the building almost every day.

Q. And did you speak of this incident—what did you say to him about this—Major Hurley? A. I met him in the corridor by the superintendent's office, that is, Superintendent Ford's office, and I said to him they had better be a little more careful in their way of doing business.

Q. Did you speak of this three thousand feet being added? A. Yes, sir.

Q. What did he say? A. He said, "For God sake, say nothing about it."

Q. Did you see Mr. Samuel Heath about this same matter soon after, or about other business? A. All that was ever mentioned to me by Mr. Heath—I went there to purchase lumber once after, and I told him I wanted it at the very lowest market price, and there was no commissions or anything of the kind would come out of it, and I wanted it as low as I could get it.

Q. What did he say? A. Well, he said, "Lambert, you can't afford to say anything about that matter in regard to what has been done."

Q. Did he mention the three thousand feet of lumber? A. He didn't mention the three thousand feet of lumber.

Q. But referring to this incident? A. Referring to that; yes, sir.

Q. Refer to the bill, if you can, and identify the three thousand feet of lumber which was added. A. Well, it is ordinary lumber; we have used the most of it in the way of box lumber; it is added up here.

Q. How much a thousand? A. Worth about \$25.

Q. Is it so charged here? A. Well, at the rate of 2½ cents a foot.

Q. Show me the kind of lumber. A. White pine, at 2½.

Q. It is that kind of lumber that was added? A. Yes, sir.

Q. About \$25 a thousand? A. Yes, sir.

Q. Then the amount added to the bill was about \$75, you think? A. Yes, sir; I should judge about three thousand feet.

Mr. Corbin—I offer in evidence the other two lumber bills, the Comptroller's voucher No. 2666 being Samuel Heath's bill for \$402.27. ("Exhibit 37.")

Also Samuel Heath's bill of May 30, 1891, \$573.55, being Comptroller's voucher 2950. (Marked "Exhibit 30.")

Examined by SENATOR DALY.

Q. Have you any recollection of what the original bill was that was presented? A. Not the amount; no.

Q. Nor you don't know what became of that original bill? A. I don't.

Q. Do I understand you to say also—you have not said so—that Mr. Heath entered these items also in his book? A. I didn't say so.

Q. Now, I want to know, did he? A. That I don't know.

Q. Do you know if this was brought home to Mr. Heath's knowledge, that this bill was being padded or raised? A. I couldn't say about that.

Q. Why didn't you ask Mr. Heath? A. I had no business to do it.

Q. Why not? A. Well, because I was simply an employee, and I had no right to question anything of that kind.

Q. You knew you were doing wrong, and you were a party to a wrong, and you were dealing with Mr. Heath's book-keeper, why didn't you tell the principal? A. I said nothing to Mr. Heath's book-keeper; I simply laid it on Mr. Ford's desk—laid the bill.

Q. What is the name of this book-keeper you say? A. Simmons, Mr. William Simmons.

Q. Is Mr. Simmons here? A. No, sir; I believe not.

Q. Is Mr. Heath here? A. I think I saw him here.

Q. Can you identify the items upon this bill that were used for the purpose of raising? A. No, I couldn't at present; he proceeded and showed me where he had added on first one and then another amount to make it up; not on any one item, but on several.

Q. But those items you have no recollection of now? A. No, because there are a number of items there, there are so many of them.

Q. But your impression is that he raised the bill by adding, making an addition of those upon the wood that was used for boxing? A. Yes, sir.

Q. Simmons told you? A. Yes, sir.

Q. Have you your order book? A. There is an order book present here.

Q. Have you got your order book that was used at that time, about 1891? A. It was not in my possession; whenever I needed any material I went to Mr. Ford's office and he directed me to go to Mr. Riker, in the State Treasurer's office, and he gave me an order.

Q. Who made up the order? A. At one time the book was in Mr. Riker's hands, and at another, Mr. Thompson's, Mr. Ford's assistant.

Q. The order was given to you then by somebody under the direction of Mr. Ford? A. Yes, sir.

Q. Then you obeyed that order? A. Yes, sir.

Q. Now, when the order was given to you did you enter it in an order book? A. No, sir.

Q. Was the order made merely upon a piece of paper? A. From a regular order book; put on the stub.

Q. On a requisition? A. Yes, sir.

Q. Who was Comptroller then? A. Mr. E. J. Anderson.

Q. At that time, then, Mr. John J. Toffey was State Treasurer, and Mr. E. J. Anderson Comptroller of the State of New Jersey? A. In 1891; yes, sir.

Examined by MR. CORBIN.

Q. After the Superintendent of the State House came—Mr. Ford—who had charge of this order book? A. Sheriff Thompson.

Q. He was the assistant to the Superintendent? A. Yes, sir.

Q. In what office had it been kept before the appointment? A. In the State Treasurer's office.

Q. (By Senator Daly)—And who was State Treasurer during the time that was kept? A. Col. Toffey.

JOHN RIKER, recalled.

Examined by MR. CORBIN.

Q. Are you familiar with this order book? A. Yes, sir.

Q. Was it kept in the Treasurer's office up to the time the Superintendent of the State House was appointed? A. No; this starts from 1889; June.

Q. There are other books preceding this, like it, are there not? A. Yes, sir; this was kept in Mr. Ford's office for a while before it went to the Treasurer's office.

Q. You are familiar with this book? A. Yes, I wrote all the orders.

Q. This date at the time we are speaking of—at the time Mr. Lambert has testified of in 1891—was this order book kept up with any regularity, and were the supplies which were paid for all in that order book? *A.* No, sir.

Q. At any time, when it used to be kept by the Treasurer, were the supplies all in there? *A.* No, sir.

Q. Where else appears the record of the supplies ordered? *A.* I don't know.

Mr. Corbin—A search of this book shows part of these goods were ordered and part of them not ordered at all.

Q. Half of them, perhaps? *A.* Only two or three: I think there is order 261 and 300—

Q. When you didn't have a formal order out of that book, what sort of an order did the merchant get to supply goods? *A.* nothing at all; go down and get them.

Q. Who? *A.* Mr. Ford sent whoever he wanted to to order, or the Treasurer; at that time he was custodian—before the Superintendent's bill went through.

Q. Who was that Treasurer? *A.* John J. Toffey.

SAMUEL HEATH, sworn.

Examined by MR. CORBIN.

Q. I show you this bill, made out to the State of New Jersey by Samuel Heath and an affidavit of W. C. Simmons upon the back of it. Is that the signature of Mr. Simmons, your former bookkeeper? *A.* Yes, to the best of my knowledge it is.

Q. I show you the check paying the warrant for that bill; is that your endorsement upon the check? *A.* Yes, sir.

Q. Did you bring your books, Mr. Heath? *A.* Yes, sir.

Q. Have you your sales book or order book here? *A.* I don't think we have the order book; we have the ledger and the journal.

Q. When you received an order for lumber such as these that have been testified to, in what book do you first enter that order?

A. In what we call the order book, and carried from there to the journal.

Q. Please produce order book for the spring of 1891 and turn to an order of August 25th, 1890. *A.* This is not 1890; this is 1891.

Q. Give me, then, January 2, 1891. These are simply for the quantities of goods, without any prices here, are they? *A.* Yes, sir.

Q. I see the first item is 507 feet white pine, wide. State

House. The item on this bill is 609 feet white pine, wide; do you know how that is? A. It doesn't always run even with the orders: that has been for the order, and the boards doesn't run actual feet that you would give an order for.

Q. Would a board run 102 feet over? A. Sometimes we sent them that way; it is frequently done.

Q. The book here says 507 feet at \$4.50; the bill is 609 feet at \$4.50. Take the item of January 30; I see on the order book is 503 feet of 4x4 poplar; your bill is for 604 feet; that seemed to run over, too. You have another item here of 503 feet of one-half poplar; that you have on your bill at 604 feet. Now turn, please, to the item of February 2; the item of February 2 in your order book appears to be 1500 feet white pine, \$3; in your bill it is 1800 feet white pine, \$3: can you explain that? A. No, not unless they put more on the team when they sent it up; the books will show what was sent at the time.

Q. The orders do not always correspond with what you send out. You haven't the order book of previous years? A. No.

Q. You can produce that? A. Yes.

Q. Now, what book does the account next go into after it leaves the order book? A. It goes into the journal.

Q. Let us see the journal. Give me the first item of January 2d, 1891, to the State of New Jersey. I observe that your charge in your journal, January 2d, 1891, is for 507 feet white pine, at \$4.50, which agrees with your order-book, but your bill to the State is for 609 feet. Can you explain that discrepancy? A. I can't explain that, no.

Q. Turn also to the item of January 30th. In your journal, under date of January 30th, I find charged to the State of New Jersey 503 feet of poplar, 4 x 4, which agrees with your order-book; but in your bill to the State it is charged at 604 feet. Can you explain that? A. I cannot explain that; this is done by the clerks, you know.

Q. Under the same date, 503 feet of one-half poplar, in your journal so charged, which agrees with your order-book, and in your bill to the State it is billed at 604 feet. Can you explain that? A. One minute—I would like to look at it.

Q. How do you explain that, Mr. Heath? Can you explain it? A. No, it is done by the clerks, you know.

Q. Refer next to the item of February 2d, 1891. Your journal has a charge against the State of New Jersey for 1,500 feet 4 x 4 white pine, \$3, which agrees with the order-book, and your bill to the State has 1,800 feet 4 x 4 white pine at \$3. Can you explain

that discrepancy? A. I cannot explain either one of them: it is altogether new to me; I never heard of it before.

Q. Have you your ledger here? A. Yes, sir (witness produces same).

Q. Turn to the account against the State of New Jersey for the beginning of the year 1891. In your ledger, page 314, I find a charge to the State of New Jersey for \$22.82. Referring by pages back to your original page, 721 (should be 720), I find the item agrees with your journal and with your order-book. Refer to the item of January 30th in the ledger, which is the next item, and refers back to your journal, page 766, an item of \$40.24, which agrees with your order-book and your journal. Can you explain why these goods were billed to the State at larger quantities than appeared on your books? A. I cannot, unless they sent more, and the books ought to——

Q. But if you sent more, ought it to appear on your books?

A. Certainly it ought; yes, sir; I cannot explain that, because I don't know anything about it; it is all done by the clerks.

Q. When that check came in from the State you endorsed it and deposited it in the bank? A. Yes, sir.

Q. Have you got your bank-books here? A. Yes, sir.

Q. Which deposited that money in the bank? A. Yes, sir; the Trenton Banking Company: you have all those checks.

Q. Do you know whether it went through your cash book or not, that check? A. I guess you will find it in the ledger.

Q. Didn't it upset your cash? A. Well, our cash book only runs this way. We keep an account with the bank, and they are so much, the checks so much, notes so much, and specie or gold, or whatever is deposited, so much.

Q. You mean to say that your cash book is simply a counterpart of your check book? A. It hasn't anything to do with the check book at all.

Q. What did you mean then by referring to your bank? A. When we make a deposit we keep an account with the bank.

Q. In your cash book? A. Yes, sir.

Q. You have an account in your ledger with the bank? A. Yes, sir.

Q. You don't keep your bank account in your ledger? A. No, not in this ledger, but in another ledger.

Q. Is that other ledger here? A. No, sir.

Q. (By Senator Skirm)—You have your cash book, and of course all your entries of cash for your ledger accounts and cash sales go on that cash book? A. Yes, sir.

Q. (By Senator Skirm)—And then of course that has nothing at all to do with your bank account, because you keep your bank account entirely separate? A. Entirely separate, yes, sir.

Q. Turn to the account against the State of New Jersey again, and let us see how it is there in the ledger. There it is (indicating); February 19th you passed a credit to the State of New Jersey \$331.90 on your ledger, did you? A. Yes, sir.

Q. Which balanced your account? A. Yes, sir.

Q. The check you got from the State of New Jersey was for \$399.34. Why did you pass to the credit of the State only \$331? A. Well, there is another account with the State of New Jersey, for lime and cement, and such things as that.

Q. This bill has no lime or cement in it? A. No.

Q. It is only lumber? A. Yes, sir.

Q. It is sworn to, warrant drawn upon it, and paid with a check which you endorsed and now identify here, and it was for the exact items which I show you upon the ledger, and why then did you pass to the credit of the State of New Jersey on that account that it owed only \$331 instead of \$399. Mr. Heath, I will come right to the point. You got for that lumber from the State \$399.34; you charged it up on your books and credit to the State \$331.90; the difference between those two is \$67.44; what did you do with that? A. I can't tell you anything about that now; these books were kept by the clerks.

Q. Can you indicate any account on your ledger to which that \$67.44 went? A. Probably could find it if I had time.

Q. Have you any memory about it? A. No, not that I know.

Q. I read from page 801 of the ledger, February 19, 1891: "Cash debtor to the State of New Jersey, in settlement of account, \$331.90; Samuel Heath debtor to cash, \$331.90, transferred." Doesn't that indicate that the check of the State did not pass through your books at all; isn't that what it means—you only passed enough through to settle that account and kept the rest? A. The accounts are all run by the bookkeepers, and the checks are handed over to me to endorse, and he takes them to the bank and deposits them.

Q. Can you explain this singular circumstance in regard to the State check? A. No; I can't explain it; I can't explain anything; I don't know.

Q. Can you tell what these transfers mean? A. That says, transferred to Samuel Heath?

Q. Yes. A. Well, that is money paid in, I take it, and it is transferred to my account.

Q. You have a private account on your own books? A. Yes, sir.

Q. (By Senator Voorhees)—Then the balance of this check would be in the hands of the bookkeeper? A. No; the check goes to the bank and put to my credit.

Q. You looked at the check, did you not? A. Well, I can't tell any more about it than it has my endorsement; that is my endorsement; yes, sir.

Q. I see in your books an account with Samuel Heath. That is an account with you, I suppose, personally, as distinguished from your business accounts? A. Yes, sir.

Q. And I find this \$331.90 which is credited to the State charged to you personally? A. Yes, sir.

Q. These entries then in your journal practically amount to this, that there were gross entries made to balance that account, and you kept the money? A. I don't know about those gross entries.

Q. Did that check, as a matter of fact, ever go through these books, that check for \$399 of the State? A. It ought to.

Q. Well, if it ought to go through those books, what ought to appear here with regard to that \$64? A. I can't explain that unless we have the thing hunted up by the bookkeeper, and the bookkeeper who kept those books at that date is dead.

Q. William Simmons? A. No; the bookkeeper is dead; he was only assistant.

Q. I show you now another of these vouchers, one dated April 23, 1891, for \$402.27, being "Exhibit 37," and a warrant of the Comptroller for the same, and a check of the State for the same, dated May 19, 1891, which warrant and check I ask to have marked "Exhibits 39 and 40." First look at this check; is that your endorsement upon the check, "Exhibit 40?" A. Yes, sir.

Q. Now, look at the bill of which I have spoken ("Exhibit 37"), the first item, February 27, 1,440 feet of white pine, and refer to your order book, page 249, which calls for 1,200 feet of white pine. In your journal, page 13, February 7, 1891, I find this charged at 1,200 feet, the item being \$48; in your ledger, page 314, also at \$48. How do you account for it, that your order book, journal and ledger show 1,200, whereas your bill to the State, which has been paid, shows 1,440 feet? A. I can't explain that.

Q. Refer, please, to the next item, March 2, 879 feet white pine, \$48.34, on your bill to the State, and being page 253 of the order book; on the order book I find it 732 feet; on the journal I find it 732 feet, making a total of \$40.26; on the ledger,

\$40.26; your books all agreeing. How do you account for it that it is charged up to the State in your bill 879 feet at \$48.34? *A.* I can't account for it; it is all news to me.

Q. Refer to the order book, March 4, 1891. The two items of March 4, 1891, upon your bill to the State are 578 feet white pine, \$20.23, and 1,200 feet white pine, \$45. In your order book, page 254, this appears as 506 feet pine and 1,000 feet pine. Refer to your journal, page 19, it appears also 506 feet and 1,000 feet, the total of the item being \$55.21; in your ledger also, \$55.21. How is it your bill is charged to the State \$65.23? *A.* I cannot explain it.

Q. About 20 per cent. advance, isn't it, right along? *A.* I don't know what it is; they don't agree; I see that. I didn't keep the books nor make bills out.

Q. Refer to the next one, of March 6; on page 258 of your order book, appears 1,000 feet white pine, 48 feet walnut; in your journal, page 23, it appears the same; the item is \$47.10; in your ledger it appears the same. How is it that, in your bill to the State, which was paid, it appears as \$45 and \$11.76, or a total of \$56.76? *A.* I don't understand it.

Q. Refer to the item of March 14; in your order book, page 265, March 14, 1891, 3,000 feet white pine; in your journal, page 35, the same, the item being \$120; in your ledger the same; in your bill to the State, it is 3,673 feet, the bill being \$146.92. Any explanation? *A.* None.

Q. I draw your attention to the items of March 28, 1891, which, in your order book, are entered there, on page 291, appearing also the same on page 62 of your journal, with a total of \$20.69, and in your ledger the same, and on your bill to the State—how is it that these items are all raised in the bill? *A.* I have no idea; I didn't know they were.

Q. Referring to the bill of May 30, 1891, total \$573.55; I show you the warrant of the Comptroller and check endorsed. Is that your endorsement upon the check? *A.* Yes, sir.

Warrant and check offered in evidence and marked
"Exhibits 41 and 42."

Q. Refer to the first item of this bill of April 8, 1891, 1,200 feet poplar; 1,000 feet on your order book, on your journal the same, with an item of \$35, and the same in your ledger, and raised in your bill to \$42, and raised to 1200 feet instead of 1,000. Can you explain that, Mr. Heath? *A.* No, sir.

Q. Refer to the items of 13th of April, 1891; in your order book 1,215 feet oak, 916 feet walnut and 243 feet walnut; in your journal the same, making a total of \$415, the quantities

agreeing in your journal and the ledger agreeing therewith ; these appear to be raised in your bill to the State—the first one is right, 1,215 feet of oak ; the 1,000 feet of walnut and 250 feet of walnut, making a total of these three items \$499.80 instead of \$415.96. Can you explain that ? A. I cannot.

Q. Turn to the item of April 17. I find the item of April 17, that is alike in your statement and on all your books, and I think you should have credit for it ; the amount is \$3.75. Turn to May 19, page 426 of your order book, May 19, 1891, agreeing with your item in the journal, page 203, \$25, the same in the ledger ; raised exactly 20 per cent. on the bill, the items in your bill to the State making an item of \$30. Any explanation ? A. None at all.

Q. How long have you been furnishing lumber to the State of New Jersey ? A. Well, that is more than I can tell, probably two or three years, in small lots. *

Q. Has your service to the State continued up to the present time ? A. Well, no, not I guess for a year back ; there is nothing against the State for a year back.

Q. Do you mean to say that these numerous discrepancies have all existed in your books since 1891, and you have never discovered it before ? A. No, sir ; I wouldn't have believed it if anybody had told me there was anything of the kind.

Q. You didn't know that you were being paid from the State more than you had on your books against it ? A. No, sir ; I didn't.

Q. You got the checks ? A. Yes, sir ; and used them.

Q. Endorsed them ? A. Yes, sir.

Q. Deposited them in your bank ? A. Yes, sir.

Q. Haven't you got a bigger balance in the bank than you supposed ? A. We had a large business, and have a good many clerks, and they handle all these things.

Q. Have you any theory to suggest how this was ? A. I have not ; this was done by the clerks, and I don't know anything about it ; they never suggested anything to me, or it wouldn't have been done.

Q. Suppose while we are at it we refer to these other two bills and see how the checks appear on your books. May 19, \$331.26.

Q. (By Senator Voorhees)—You don't expect that this 20 per cent. went into the hands of your clerks, do you ? A. I haven't any idea that it could ; I don't see how it could.

Q. Your bill paid by the State in May, 1891, was \$402.27 ; you have testified that you got the check and endorsed it ; in your journal that appears as \$331.26, and the same date is Samuel

Heath, debtor to cash, \$331.26 ; it seems to have been passed to your personal account as in the other case ; do you know how that happened ? A. No, sir.

Q. In your journal, page 299, appears a credit to the State of \$479.71, but you got, as you have testified, from the State that day a check for \$573.55, or nearly one hundred dollars more ; that also appears to have been passed to your personal account ; can you explain it ? A. No, sir.

Q. Have you no memory about this matter ? A. Not so long ago as that.

Q. You mean to say that these clerks have been stealing for your benefit all these years and you didn't know it ? A. If they did, I didn't know it.

Q. You don't imagine they took the money, do you ? A. I don't see how they could.

Q. You endorsed the check put to your account ? A. Yes, sir.

Q. Have you had the bank books balanced lately ? A. Every month.

Q. Didn't they surprise you with the largeness of their balance ? A. No, sir.

Q. What did you do with the money ? A. We are paying out money all the time.

Q. Did you give any commissions to the State House officers ? A. Not a dollar.

Q. Make any contributions ? A. No, sir.

Q. Make a present occasionally ? A. No, sir.

Q. Not a present ? A. No, sir.

Q. You observe, do you not, that 20 per cent. is added to each of these bills, substantially that ? A. It seems to be, in some cases.

Q. It seems to be exactly that, doesn't it, in most cases. A. Look on the later bills and see if it went on the same way.

Q. When Mr. Lambert spoke to you about getting some lumber for refitting the library building, don't you recollect this matter being referred to by you in your conversation with him, and your saying to him, "you can't afford to say anything about that ?" A. No, sir, I don't remember anything of the kind.

Q. Don't you remember Mr. Lambert saying to you, as he has testified here, that he wanted this lumber for the library building right down close, and there was no commission for anybody ? A. It is possible, but I don't remember it.

Q. Didn't you then reply that as to that matter of adding the three thousand feet on that bill, he couldn't afford to do anything about it ? A. It is all news to me.

Q. Don't you recall it? A. No, sir; I am not in the habit of saying such things.

Q. (By Senator Voorhees)—This is an exception; it might have been said under the circumstances? A. I think not.

Q. (By Senator Voorhees)—Do you keep two bank accounts, Mr. Heath? A. No, sir.

Q. These three checks that I have shown you, did they all go into the Trenton Banking Company account? A. Yes, sir.

Q. Is your business account run in connection with these books? A. Yes, sir.

Q. Is there in the ledger you did not bring an account with the bank? A. I have only the one account with the bank.

Q. But where does your account with the bank appear? A. It appears on the ledger.

Q. That is, the other ledger? A. Yes, sir.

Q. What do you call the other ledger, private ledger? A. No, we run two kinds of business; we run lime and lumber and coal and cement.

Q. Well, now, did these particular discrepancies I have referred to, where would you classify them, lime, lumber, coal or cement? A. Those must be lumber.

Q. These are your lumber accounts, aren't they? A. Yes, sir.

Q. (By Senator Voorhees)—Do you remember the circumstances under which these warrants were drawn in your favor? A. No; the clerk done it.

Q. (By Senator Voorhees)—He had the bill and brought them up here and these warrants were handed to the clerk? A. Yes, sir.

Q. And then they were brought to you and you endorsed them? A. Yes, sir.

Q. Do you recall that you ever came here personally to receive a warrant? A. I never was here; no, sir.

Q. Then what became of them after you endorsed them? A. Went to the bank and deposited to my credit.

Q. How do you know that? A. I think so.

Q. You only think so? A. Yes, sir.

Q. Is it not possible that you might have drawn these warrants yourself personally? A. Personal account?

Q. No; I mean after the warrants had been handed to you; is it not possible that you took these warrants to the bank and drew this money on them yourself personally? A. No, sir.

Q. That is not possible? A. Not possible.

Q. (By Senator Skirm)—When should this entry be made—these two or three entries made—where you are charged with the

cash received from the State, to balance your ledger; how could that be when these checks are endorsed and went into the business account? A. I don't think those checks were charged to me.

Q. The amount of these bills were charged to you every time?

A. Well, that goes over to the other ledger, that is, the cash ledger.

Q. (By Senator Voorhees)—Then we might find something about where this difference went into the cash.

Q. (By Senator Skirm)—My question was why you should be charged personally with the amount of the accounts to balance your ledger. Why wasn't it simply posted to the credit in your cash-book, and posted from there into the ledger; that is the way you keep your cash, is it, or isn't it? A. No, it is charged to me.

Q. (By Senator Skirm)—And all your entries, then, of cash, go to you? A. Pretty much; yes, sir.

Q. (By Senator Skirm)—My question is this, why you should be charged with the amount which has been credited to the State, the amount of their bill—why you should be charged with it if that check was deposited at the Trenton Banking Company, as you say it was—why should you be charged with the \$331 and some odd cents, when this check was \$397? A. We keep two sets of books.

Q. (By Senator Skirm)—That don't explain it; that don't answer that. A. I don't know any other way of answering it.

Q. (By Senator Skirm)—My question is, why you should charge yourself with the amount of \$331, when the check was \$397 when it passed through your books, and when you say it was deposited in your account—now, why should it be charged to you? A. It has passed through the other ledger.

HOWARD HEATH, sworn.

Examined by Mr. CORBIN.

Q. Are you the bookkeeper of Samuel Heath? A. At the present time I am bookkeeper for the lumber side?

Q. Are you related to Mr. Heath? A. Yes, sir; I am Mr. Heath's son.

Q. How long have you been bookkeeper? A. Since November 1st, 1894.

Q. How long have you been connected with the business? A. Only since then, and in the capacity of bookkeeper.

Q. Are you familiar with the method of keeping this journal that is shown? A. Yes, with the exception of one thing; I

don't understand what "transferred" means in the way of a check which you had there.

Q. Will you explain what is done with the cash when it comes in in this lumber business? A. Cash and specie is entered as cash on the book.

Q. What is done with the checks that come in? A. Charged to Samuel Heath.

Q. Turned over to him? A. Yes, sir.

Q. Charged to his personal account? A. Yes, sir.

Q. You don't keep any bank account with this particular lumber side of the business? A. No, sir.

Q. Samuel Heath keeps a personal bank account? A. Yes, sir.

Q. Does he keep two? A. He doesn't keep two bank accounts; no.

Q. But every check that comes in you immediately charge, Mr. Heath? A. Yes, sir.

Q. Suppose a man came in and paid a bill of \$100 in greenbacks, what would you do with that? A. If Mr. Heath thought the \$100 would not be safe in the drawer he would put it in his pocket and it would be charged to him.

Q. The only cash that your lumber business carries is your petty cash in the drawer, is it? A. Yes, sir.

Q. Have you got the cash book here? A. No.

Q. Have you got a ledger account of the cash? A. The ledger account has only the cash at the end of each month.

Q. (By Senator Herbert)—I understand from your testimony that whenever Mr. Heath saw fit to take money away from there it was charged up to him? A. Yes, sir.

Q. (By Senator Herbert)—Now, do you know whether Mr. Heath took this particular check away or not? A. Well, I was not present, connected with that business in any way at that time, and cannot answer that question.

Q. (By Mr. Herbert)—Now, if he had taken that away, under your system of bookkeeping, would it have been charged to him? A. It would have been charged to him.

Q. (By Senator Voorhees)—And does it so appear that it was charged to your father? A. I can only offer an explanation in this way, that I have made an error of this kind; a man has come in and paid in cash, or has—I have entered—if I enter a check as cash I immediately mark it, Samuel Heath debtor to cash, and mark it transferred, or something of that kind; that is just a clerical error.

Q. But the probabilities are that the system that was in vogue in your father's establishment at that time, if these checks had been taken away by Mr. Heath, that they would be charged up to him? A. Yes, sir.

Q. So that in order to make your books straight that should be transferred only \$331.90, that would be so indicated, and the balance would be in Mr. Heath's own hands, isn't that so? A. Yes, sir; that would be so.

SAMUEL HEATH recalled.

Examined by MR. CORBIN.

Q. We have now the order book of 1890. I will resume the examination of this first bill, February 14, 1891, being the Comptroller's voucher No. 1239. Refer to the first item of this bill, August 25, 1890; 615 feet white pine charged to the State at \$18.45; on page 497 of the order book, August 25, 1890, 512 feet white pine; same in the journal, page 423, \$15.36; charged to the State at 615 feet, \$18.45. Do you understand that; can you explain that? A. No, sir.

Q. August 27, 1890. Work on lumber, resawing to order, \$4.12, in your journal; charged to the State at \$4.94. Can you explain it? A. I cannot; no.

Q. September 16, 1890. Items which are charged in your day book at \$31.48 are charged here at \$37.78. Can you explain it? A. No, sir.

Q. October 16, in the order book charged \$21.55, same in the journal; in your bill to the State 20 per cent. higher. Any explanation? A. No, sir.

Q. November 18, charged in your order book and journal at \$53.40 and \$8.25; raised in the bill to the State to \$64.10 and \$9.90. Same answer? A. Yes, sir.

Q. November 21, 1890, two items. 500 feet white pine, 500 feet poplar, and charged in your bill to the State at 600 feet pine and 600 feet poplar. Any explanation of that? A. No, sir.

Q. November 22, 300 feet yellow pine, 100 pieces of lath, corresponding with the journal; charged to the State at 372 feet of pine and 100 feet of lath; the bill is \$13.27, and \$10.75 in the journal. Any explanation to that? A. No, sir.

Q. November 25, 78 cents, raised to 92 cents. Same answer? A. Yes, sir.

Q. December 10, in your order book 510 feet of white pine, same in your journal; raised to 612 feet in the bill to the State; item raised from \$33.15 to \$39.78. Any explanation? A. No, sir.

Q. December 31, 1890, item. 250 feet yellow pine, same in the journal, \$8.75; raised to 300 feet, \$12. Any explanation to that?

A. No, sir.

Q. Will you please bring your cash books and your order books previous and subsequent to those, covering the entire period you have been furnishing supplies to the State? A. All right.

Q. Also this other ledger which has been spoken of, and your check books covering the same period? A. Yes, sir.

Recess.

Mr. Corbin—I desire to call the attention of the Committee to the matter of expenditure for furnishing the State House, and, first, to an act of the Legislature passed June 13th, 1890, which will be found on page 467, which appropriated \$30,000 for the purchase of the necessary furniture, carpets and fixtures for the offices to be occupied by the State officers, clerks in Chancery and Supreme Court and any other departments or bureaus in that part of the State Capitol recently erected—that is, the front part, no doubt—such portions thereof as may be found necessary to be expended under the direction of the Governor and Comptroller, and to be paid by the Treasurer on the warrant of the Comptroller. Under that act, which is, on the books of the Comptroller, called “Furnishing new Capitol” account, there have been spent \$19,235. Also, I desire to call attention to another act passed the same day, found on page 470 of the Laws of 1890, being an act in relation to the State House and adjacent public grounds, which provides that the Superintendent of the State House and adjacent grounds is authorized to expend a sum not exceeding \$20,000 for the opening, repairing, furnishing and ventilating that part of the State House consisting of the Executive Chamber, Legislative Chambers, Court-rooms and rooms occupied by the Attorney-General, State Board of Assessors, Superintendent of Public Constructions, Sinking Fund Commission, &c. Under that act appropriating \$20,000 nothing whatever has been expended, but there has been expended for this purpose \$44,000, which has been charged to an entirely different account, known as the “State House Expense Account,” for which there is no appropriation

at all, but which operates under the old joint resolution of 1846.

Next I call attention to a joint resolution, No. 4, passed March 20, 1891, found in the laws of that year, page 526, which joint resolution recites that the present room for the meeting of the General Assembly is not of sufficient size for the comfortable transaction of the public business, being poorly ventilated, constantly overcrowded, thereby injuring the health of the members and greatly retarding public business; therefore it is resolved that the Governor is authorized to provide a suitable Assembly Chamber and committee-rooms for the use of the General Assembly by enlarging such portions of the State Capitol building as he may deem necessary, and that the Governor is authorized and empowered to make such additions and alterations as will afford the necessary accommodations for the Supreme Court and Court of Errors.

Under that resolution the Governor expended \$232,873, of which \$16,947 was expended for furnishing the Assembly Chamber.

This resolution does not, so far as I see, touch the question of furnishing at all, but the account shows that it was so construed and that sum was expended.

I call attention next to Joint Resolution No. 1, of the year 1892, to be found on page 475. A joint resolution authorizing the Governor to provide for the thorough ventilation of the Senate Chamber and committee rooms and appropriating money to defray the cost thereof. It recites that, "Whereas, the Senate Chamber is poorly ventilated, thereby endangering the health to the Senators and retarding the public business, the Governor is authorized to provide for the suitable and thorough ventilation of the Senate Chamber and the committee and officers' rooms, and the necessary money for that purpose is hereby appropriated."

There is nothing said about furniture in it, but under that joint resolution there was expended in the ventilation of this chamber and charged to that account, \$32,388, of which \$6,998 was for the furnishing of this room.

Lastly, I call attention again to the account known as the "State House Expense Account," which, so far as I can find any law, proceeds under the old joint resolu-

tion of 1846, and under that the great mass of the expenditures for the furniture has been made.

I have here a schedule roughly prepared of the amounts expended for furniture in this building for the past five years. We have gone through a number of accounts and taken out the items which we can identify, but I cannot vouch that it is entirely complete; I think the total is larger than I here indicate, but those items we have identified that have been expended for the furnishing of these buildings amount to \$123,909. It begins in 1889; that would perhaps make it six years, and I wish to note that, so far as these accounts show and as appears by an examination of the rooms themselves, this State House has been stripped from garret to cellar of every piece of furniture that it contained and something else put in its place. Some of these rooms have been furnished twice within the period that I have named. In these rooms expensive walnut furniture has been taken away and cheap stock stuff has been substituted, of oak. The quantities of furniture that have been brought here, or at least have been paid for, are something stupendous, and I defy any one to check up anything like the quantity here in this State House at the present time. The prices are simply exorbitant, to say nothing else. The Supreme Court room, which was the handsomest public office in this State; an office elegantly furnished and one than which no handsomer has ever come under my eye, was utterly stripped of its furniture and furnished with cheap oak furniture, to the great detriment of its appearance. The handsome and simple and dignified decorations that were there have been removed and something of an entirely different style substituted. All this at a cost of what I have stated, with possibly additions. The State House now, from one end to another, in practically every room, is furnished with oak furniture. It was before throughout furnished with walnut furniture or other dark furniture. With very few exceptions what has been substituted is of a cheaper quality, decidedly cheaper in cost if not in appearance than that which was removed. Furniture has been taken out apparently for no other reason but to give a bill to somebody to put in new furniture. Such furniture as the Supreme Court room contained, for example,

admirably adapted to its purpose, elegant in appearance and satisfactory to the judges, was taken out against protests and remonstrances and removed.

There is some evidence of a similar state of affairs existing in other offices where the officers preferred to be left alone. The bills for furnishing the State House of which I have note here, were, among others, Convery & Walker, \$9,086; Scudder & Dunham, \$3,149, and there are some other bills not included in that of Scudder & Dunham on another sheet; Lawrence Farrell, \$4,574; the New Jersey School and Church Furniture Company, \$8,088; A. B. Dick Company, \$22,972; John Mullins & Co., \$48,517, and a long list of smaller items.

I will take up, with your permission, first the bills of John Mullins & Company. I wish to explain at first that these are charged to various accounts; for example in John Mullins & Company's bills part is charged to the ventilation of the Senate Chamber. Under the act to ventilate, this room was furnished and \$6,998.55 charged to that account. The furnishing of the Assembly Chamber, \$10,091.45—and I may say here this is only a supplementary bill, the principal furniture was bought before this. To furnishing the new capitol \$4,073, and to the State House Expense Account \$7,363, and there is a small bill, "State House Fire Account," back in 1887.

I offer in evidence these bills, first one of February, 1887, \$64.38; "Exhibit 43."

Furnishing Assembly Chamber, March, 1892, \$6,456.01; "Exhibit 44."

June, 1892, Furnishing Assembly Chamber, \$3,615.43; "Exhibit 45."

Now comes the appropriation for furnishing the new capitol, February, 1892, \$2,758.30; "Exhibit 46."

June, 1892, same account, \$630.69; "Exhibit 47."

August, 1893, same account, \$495; "Exhibit 48."

March, 1894, same account, \$1,090; "Exhibit 49."

Next, State House expense, February, 1887, \$2,951.30; "Exhibit 50."

March, 1890, same account, \$2,391.52; "Exhibit 51."

June, 1890, same account, \$1,740; "Exhibit 52."

February, 1891, same account, \$991.00; "Exhibit 53."

May, 1891, same account, \$645.75; "Exhibit 54."

January, 1892, same account, \$341.38; "Exhibit 55."

January, 1892, same account, \$1,623.49; "Exhibit 56."
 March, 1892, same account, \$1,739.41; "Exhibit 57."
 June, 1892, same account, \$627.06; "Exhibit 58."
 June, 1892, same account, \$3,970.29; "Exhibit 59."
 March, 1893, same account, \$1,583.34; "Exhibit 60."
 August, 1893, same account, \$387; "Exhibit 61."
 February, 1894, same account, \$6,267.91; "Exhibit 62."
 March, 1894, same account, \$1,048; "Exhibit 63."
 March, 1894, same account, \$660.42; "Exhibit 64."
 May, 1894, same account, \$399.52; "Exhibit 65."

To the account of ventilating Senate Chamber, which is really furniture for the Senate Chamber, one bill, \$6,998.55; "Exhibit 66."

I also offer the warrants and checks to the order of John Mullins & Co., paying these bills; "Exhibits 67 to 90" inclusive.

JOHN RIKER, recalled.

Examined by MR. CORBIN.

Q. Did you receive these bills of John Mullins & Company when they came to the State House? A. Mr. Ford had them.

Q. Mr. Ford gave them to you? A. Yes, sir.

Q. Did you have blank bills of John Mullins & Company bill heads here? A. For instance, Mr. Mullins would send in a bill and there would be two or three items to go to different accounts and it would have to be separated and Mr. Ford would give me a blank bill out of the desk. I told him he would have to get blank bills if he wanted those bills separated.

Q. And so you separated the different accounts when they came here? A. Yes, sir.

Q. Some of these bills are in your handwriting, are they not? A. Yes, sir.

Q. And some of them partly in your handwriting and partly in the handwriting of others? A. Yes, sir.

Q. I show you "Exhibit 44," being bill of March, 1892? A. That is not mine.

Q. Whose is it? A. I don't know.

Q. Is this note at the bottom yours, as to where these goods went? A. No, sir.

Q. "Exhibit 45;" is that your handwriting? A. The first leaf is.

Q. The rest not? A. No, sir.

Q. I show you No. 46, February, 1892; is that in your handwriting? A. Yes, sir.

Q. I call your attention to one item of December 11; one Bailey letter copying machine, which was down at \$102, and has been changed to \$60; why was that changed? A. I told Mr. Ford that the press in our office cost \$60, and he told me to mark it down to \$60.

Q. It went through in that way, did it? A. Yes, sir.

Q. You took \$42 off of the item, did you? A. Just the same as it is here; it is crossed out.

Q. Was there any kick about your taking off \$42 off of that bill? A. Not that I know of.

Q. Look at "Exhibit 47;" is that your handwriting? A. Yes, sir.

Q. Entirely so? A. Yes; that is all mine.

Q. Look at 48; is that your handwriting? A. No; that is not mine.

Q. 49? A. That is mine.

Q. 50: made out on State's billhead? A. That is made out by a young man who is dead; George Wright, Captain Wright's son.

Q. Was he employed about the State House? A. He was in the Treasurer's office, under General Wright.

Q. Do you know how he came to make out a bill? A. I wasn't here at that time.

Q. Look at No. 51; do you know whose writing that is? A. No; I don't know that.

Q. 52: do you know that? A. No; I don't know whose that is.

Q. 53: do you know that handwriting? A. There are two here; the Dairy Commissioner and Attorney-General; that is my handwriting and the rest is to show where the articles went.

Q. And this, on the side, "all articles for the old building"; that is yours, is it? A. Yes, sir.

Q. 54: is that yours? A. Well, no; only these stating what offices they went to.

Q. Is 55 yours? A. That top bill is mine, and the office of Private Secretary of the Governor's.

Q. Part yours and part not? A. Yes, sir.

Q. Is 56 yours? A. No; that ain't mine.

Q. 57 yours? A. No, sir.

Q. 58 yours? A. Yes, sir.

Q. 59 yours? A. The top one is mine, not the bottom.

Q. Is 60 yours? A. No, that is not mine.

Q. 61? A. No, sir; that is not mine.

Q. Is 62 yours? A. No, that is not mine.

Q. Is 63 yours? A. That is mine.

Q. Is 64 yours? A. No, that is not mine.

Q. Is 65 yours? A. That is mine.

Q. Is 66 your handwriting? Yes, sir.

Q. Who did you see about these bills in making them out?

A. Why Mr. Ford asked me to look the bills over and I would take them and look them over and tell him there were some things that belonged to other accounts that ought not to be in them, for instance, there would be an account in there for a piece of furniture furnished for the old building that ought to go to the State House expense.

Q. Did you see anybody about them besides Mr. Ford?

A. No, sir.

Q. Anybody from Mr. Mullins' place? A. No, sir.

Q. What did you have to copy them from when you made them out? A. The other bill—an old bill.

Q. What became of the old bill? A. I suppose it was returned, I don't know.

Q. You handed it back to Mr. Ford? A. Yes, sir.

Q. Were the prices on the old bill in all cases? A. Yes sir. Just a regular copy, that was all.

Q. I call your attention to voucher 66, charged to ventilating Senate Chamber, under date of January 3, 1893, the desks of the Senators are charged, 26 oak desks at \$32 apiece, was it that way when the bill came here? A. No, I think it was a little higher and I called Mr. Ford's attention to what he had paid for the Assembly desks.

Q. He cut it down to that, did he? Yes, sir.

Q. At your suggestion? A. That is what I told him; he said he would tell Mr. Mullins.

Q. Can you recall any other changes that were made by Mr. Ford except these two you have mentioned? A. No, sir.

Q. Those were both at your suggestion? Yes, sir: if I would go to the Comptroller's office they would want to know why they paid different prices.

JOHN MULLINS, sworn.

Examined by MR. CORBIN.

Q. You are a member of the firm of John Mullins & Co.?

A. Yes, sir.

Q. Have you produced your books here that you were subpoenaed to bring? A. Yes, sir; so far as I know.

Q. The subpoena issued by the Committee calls first for the

cash books of the firm of John Mullins & Co., Jersey City, for the years 1890 to 1894 inclusive; have you those? A. Yes, sir.

Q. Will you produce them? A. (Witness produces books).

Q. How many are there that cover that period? A. Four or five.

Witness produces cash book No. 9, from March, 1888, to September 25th, 1890, also No. 10 from January 10th, 1890, to April 4th, 1892.

Q. You ran two cash books at the same time. A. Sometimes we would, yes, sir.

Witness produced also No. 11 from September 26th, 1890, to December, 1892, and No. 12 from April 5th, 1890, to November 22d, 1893; 13, December 24th, 1892, to November 21, 1893.

Q. Did you produce also your sales books for the same period.

A. I believe so.

Witness produces sales books Nos. 7, 8, 9, 10, 11, 12, 13 and 14, first date 1889 and November, 1894.

Q. Have you your ledgers? A. Yes, sir.

Q. You have two sets of ledgers, private ledgers? A. Yes, sir, and a business ledger.

Q. Have you the business ledger here? A. These are marked both private; those are the ones that the State House accounts are in covering from 1889 on.

Q. Have you the other ledgers here? A. No, sir.

Q. Have you your check book and checks on the First National Bank of Jersey City here? A. Yes, sir.

Q. Covering the years mentioned? A. I suppose so.

Witness produced six stub books and one box of checks.

Q. I observe these checks which paid your bills against the State of New Jersey seem all to bear the stamp of the First National Bank of Jersey City. Did you deposit them all in that bank? A. Yes, sir.

Q. To what account did you deposit them? A. The business account.

Q. In what name was that business account kept? A. John Mullins & Co.

Q. And your checks are drawn John Mullins & Co. A. Yes, sir, I usually sign them John Mullins only.

Q. The account on the books of the bank simply stands John Mullins? A. John Mullins.

Q. But it really was the firm's account; was that it? A. Yes, sir.

Q. And this individual account was a private account? A. Yes, that is private account.

Q. That is is kept specially? A. Special.

Q. Did anyone have power to sign checks on John Mullins' account except yourself? A. Not only when I was away in Europe once or twice; I gave a special power of attorney to my son.

Q. Please refer to these cash books. I observe that some of them appear to be mutilated? A. Yes, sir.

Q. When were they mutilated? A. 1893.

Q. Was it the night after election—the night of the election, was it not? . Yes, sir; we found it the next morning.

Q. Can you turn to those that are mutilated. Take the cash books in order; look at cash book No. 9, is that mutilated? A. No, sir, not that I see.

Q. That is cash-book beginning May 21st, 1888, and ending September 25th, 1890? A. Yes, sir.

Q. Look at No. 10; is that mutilated? A. No, sir.

Q. That runs from January 10th, 1890, to April 4th, 1892? A. Yes, sir.

Q. Look at No. 11; is that mutilated? A. Yes, sir.

Q. What pages are gone? A. All after page 958, which is from the date of July 1st, 1892, to the end of the book, which appears by endorsement to be December 23d, 1882.

Q. Look at No. 12; is that mutilated? A. Yes, sir.

Q. What is gone from that? A. From page 282 to page 659.

Q. All between those pages? A. Yes, sir.

Q. Any other place is it mutilated? A. No, sir.

Q. The dates covered by the mutilation are from November 12th, 1892, to September 19th, 1893; look at No. 13; is that mutilated? A. Yes, sir.

Q. What pages are gone? A. From page 2 to 491—all between that.

Q. Covering dates from December 24th, 1892, to October 31st, 1893? A. Yes, sir.

Q. Are any of these other books mutilated? A. I believe they are.

Q. What books are mutilated? A. Sales book No. 10, from page 782 to 873.

Q. Being from February 16th, 1892, to March 10th, 1892? A. Yes, sir.

Q. Is that all that are mutilated? A. One private ledger, mutilated, all between page 8 and 43 gone. It is the ledger having the accounts for the year 1892 and 1893.

Q. Is that all that has been mutilated? *A.* That is all that I know of.

Q. When did you discover that your books had been mutilated? *A.* The morning after election, in 1893?

Q. Who drew it to your attention? *A.* I think it was Mr. Moriarty.

Q. That is your partner? *A.* Yes, sir.

Q. Some of these books had been in use the day before? *A.* Yes, sir.

Q. Were you at the store during election-day in November, 1893? *A.* I was there in the morning, but went away.

Q. Where were these books kept which have been mutilated? *A.* They were supposed to be—I have a vault in the cellar with safe doors on it, fireproof vault, and the safe in the office.

Q. Well, the books that were in use; where were you accustomed to keep those? *A.* The ones that were in use, we were accustomed to keep them—sometimes, if there was too many, they would be taken down to the vault for safe keeping every night; then they would be kept in the safe.

Q. Keep these big sales books in the safe? *A.* Yes, sir.

Q. And this private ledger which appears to have been in use at that time, where was it kept? *A.* In the safe—supposed to be in the safe, but they were all out in the morning.

Q. And where did you find these books that were mutilated? *A.* In the office, out of the safe.

Q. On the shelves or on the counter? *A.* On the shelves and on the counter, on the desk.

Q. How many did you find at that time that had been mutilated? *A.* All those, I think; there was only three or four first and then the others were found.

Q. A week or two afterwards others were found? *A.* The others were found.

Q. Can you tell how many were found first and how many afterwards? *A.* I can't tell; there were either three or four found first and then one afterwards.

Q. Do you know which ones were found first? *A.* The ones that were in use then.

Q. What did you do about the mutilation? *A.* I went down to the police station, and I forget now whether it was the Chief or the Superintendent sent up two detectives with me.

Q. Did Superintendent Smith come up himself? *A.* I don't remember now; I don't think he did, not there then that morning, but Mr. Doyle, and I believe it was Mr. Dalton that came up with me.

Q. They were put on the case, were they? A. Yes, sir.

Q. Have you ever discovered who cut the books? A. No, sir; I have a suspicion.

Q. Have you ever discovered the sheets? A. No, sir.

Q. None of them at all? A. No, sir.

Q. A statement of this was given out to the *Jersey City News* afterwards, wasn't it? A. Yes, sir.

Q. Published in it? A. Yes, sir.

Q. That was the only local paper that did publish any account, was it not? A. I believe the *Journal* did; I am not certain though.

Q. This account in the paper of November 9, 1893, headed "Mutilated the Books. Mystery at the Store of Mullins & Co., on Newark Avenue." That is what you refer to, is it? A. Yes, sir.

The Clerk of the Committee read the following article :

"MUTILATED THE BOOKS.

"Mystery at the Store of Mullins & Company, on Newark Avenue.

"The account books of Mullins & Co., of Newark avenue, were horribly mutilated on election night by some persons who effected an entrance to the store by a rear window. Superintendent Smith detailed detectives Dalton and Doyle to investigate the case, but they could find no clew which would lead to the discovery of the perpetrator of the act. Nothing else in the office was touched. No effort had evidently been made to blow open the safe or to force the cash drawers. The police were at first inclined to believe that some one who was indebted to the firm had hoped to destroy the books and thus confuse the accounts, so that they might escape further payments. This theory, however, did not seem plausible to Mr. Mullins. The detectives questioned every employer of the firm and finally reported to Superintendent Smith that the tearing of leaves from the account books was evidently the action of some of the clerks. Mr. Mullins again discredited this, as he has implicit confidence in all of his employes. Mr. Mullins has decided to let the matter drop where it is, and as a result the detectives have given up the idea

of ferreting out the mystery. The employes of Mullins & Co. decline to discuss the affair."

(Said paper is offered in evidence and marked "Exhibit 91.")

(Witness)—I did have a suspicion.

Q. You have never discovered anybody? A. No; I discharged a man a day or two afterwards.

Q. You have here your sales books? A. Yes, sir.

Q. And your ledgers here which contain the State House account? A. I believe so.

Q. Page 17, State House, Trenton; that page seems to have disappeared; it is one of those papers that has gone? A. Yes, sir.

Q. Page 290 is also indexed. Page 290 of this private ledger seems to run from January 17th, 1893, to February 7th, 1894, and is carried forward to page 462. The last item is March 27th, 1894. The account on page 290 begins with pencil figures at the top, \$32,374.42. I observe that all charges in this ledger on the debit side are in pencil? A. They are, sir.

Q. And that the credits are in ink? A. Yes, sir.

Q. Do you know why they are in pencil? A. I do not, sir; I never saw that book until this morning.

Q. Personally you have no charge of the books? A. No, sir.

Q. Who had charge of your books? A. The clerks and Mr. Moriarty. Mr. Moriarty is supposed to have the full charge.

Q. Mr. Moriarty is absent at the present time? A. Yes, sir.

Q. He may be back soon? A. I think he will be back to-morrow; he hasn't had any vacation for about two years. He was not feeling well and he has gone to Ft. Edward to bury an uncle to his wife.

Q. (By Senator Voorhees)—Did he go on a vacation to do that? A. He was talking of going from there to Canada, but I think I can get him back there before he takes that trip if he hasn't already started.

Q. Do you know of any other accounts in your ledger that are charged up in pencil? A. I do not, sir; I don't know whether there is any there or not, nor I didn't know that was charged up in pencil.

Q. I will refer you to the other ledger: I find an account in the other ledger as "State House," page 402, that appears to be from January 17, 1890, to probably December, 1891, and is carried forward again to page 747 to January, 1892. I observe that in this ledger many of the items of merchandise charged to the State House have no figures carried out against them at all, but only

have an item "merchandise." Do you know how that is explained? A. No, sir; I do not.

Q. I observe also that some of the items here have pencil debits and no ink debits. Do you know why that was so? A. I do not, sir.

Q. That appears to be the case, does it not, with all items excepting a few small ones? A. So it appears there.

Q. Either blank or else in pencil? A. Yes, sir.

Q. And this is carried forward again to the last page in the book. This also appears, does it not, to be chiefly in pencil? A. Some in ink and some in pencil.

Q. A few small items in ink and the rest in pencil, are they not? A. Yes, sir.

Q. And the balance of this account is carried, is it not, to folio 17 of the other ledger? A. I suppose so.

Q. In that other ledger that folio 17 is the one of those missing? A. Yes, sir.

. And in the added footing of this ledger in pencil, \$19,741.-81—parts marked in ink, the amount carried forward to folio 17, new ledger, and the new ledger folio 17 is the one that is mutilated? A. Yes, sir.

Q. Take ventilating of the Senate Chamber, 1893, it is all added on the bill of January 3, 1893, on page 1,132 salesbook; I find a number of items under the head of "State House, Trenton," these also are in pencil, are they not? A. Yes, sir; I don't know why they should be.

Q. These appear to be items for carpets, some of them, at least, seem to agree with the bill for furnishing the Senate Chamber; the bill of January 3d, 1893, is a very long one, with a numerous list of item; this particular item, January 3, on the books seems to cover only a short number of figures? A. The probability would be that that might come different dates, and Mr. Ford—I could probably explain to the Committee about those things—he wanted some of the goods billed here and some to another place, and some to another, and we had no way of finding that out, and I believe he was handed the bill to know what they were, and then he was to get some blank bills and take and turn it and make it out, but in all cases they corresponded with this bill that we rendered. Now where he charged them to we had nothing to do with that; all we could do was to deliver them here.

Q. You furnished a good deal in the way of carpets and furniture for the State House, did you not? A. Yes, sir.

Q. About \$48,000 worth? A. If the books calls for that, that must be; I don't know. I furnished this room, I think, two or

three times, that is with carpets—either this or the old one; and the other, the old chamber, I furnished, and then I furnished the new one a couple of times, and the galleries all through the place.

Q. This particular bill of 1893 to, which I am referring, seems to be simply for this room alone? *A.* Yes, sir.

Q. You furnished the furniture which we now see about us in this room, did you not? *A.* I believe so; I am not certain.

Q. I see on your bill an item of \$800 for the desk at which the chairman sits and the clerk's desk in front of him. *A.* That was built by a gentlemen in Newark; Mr. Hamilton was the one that got the order; it was built by contract.

Q. What did those two desks cost you? *A.* I couldn't tell you.

Q. Won't your books show? *A.* I suppose they would. I don't know who they were bought for. I believe it was Hemmer Bros., but I am not certain.

Q. What connection had Mr. Hamilton with you? *A.* He was my buyer and salesman.

Q. He is not living now? *A.* No, he is dead now; I am sorry for it. In fact he had all to do with the State House; I had nothing to do with it.

Q. Can you say who made this furniture that I have spoken of? *A.* I cannot, but I think it was Hemmer Bros.

Q. The members' desks you see here are charged at \$32 apiece. Do you know what they cost? *A.* I do not. I think those he had made; I am not certain about it.

Q. With whom did you deal in supplying furniture for the State House? *A.* With the State of New Jersey.

Q. No, but what individual? *A.* Mr. Ford gave the orders.

Q. For all that you furnished? *A.* I believe so.

Q. That was to you? *A.* To Mr. Hamilton.

Q. What did you furnish for the Legislature? *A.* Everything that I sent here—carpets, furniture, oil cloth, mattings, shades and other things.

Q. I observe on your ledger that the greater number of items are either charged up in blank or else in pencil. Who did, in fact, make the prices for the bills that were sent to New Jersey? *A.* Mr. Hamilton and Mr. Moriarty.

Q. Didn't you consult Mr. Ford about that? *A.* No, sir.

Q. Was there no agreement in advance as to the prices? *A.* No, sir; only when I—

Q. Mr. Hamilton and Mr. Moriarty had all to do with that? *A.* They had all to do with that.

Q. You were going to say something? A. There was a time that we had a contract—a time or two—and that was then in advance.

Q. That was for carpeting the Assembly Chamber? A. Yes, sir.

Q. But for the most part there was no agreement in advance? A. No agreement whatever, sir.

Q. Didn't you and Mr. Ford confer over the matter and put down the items and agree as to what each should be billed at? A. No, sir.

Q. You fixed that yourself? A. Yes, sir; Mr. Hamilton would fix it and Mr. Moriarty.

Q. Were you not called in in any conferences? A. I might be, sometimes.

Q. But generally not? A. Generally not.

Q. Did you know what they had charged for the goods? A. No, I did not; I always told Mr. Hamilton to charge a fair profit.

Q. And that is all you knew about it? A. That is all I knew about it; I didn't know this account was kept in pencil until I seen it this morning.

Q. Didn't you fix any of the prices of these goods? A. No, sir.

Q. And did you keep a run of it, so that you knew what was going on? A. No, sir; I supposed Mr. Moriarty, being a partner in the concern, would keep the run of it, and I supposed he was honest, and I left it all to him.

Q. He is an honest man, isn't he? A. Yes, sir; I believe so, so far as I have ever found out.

Q. You have been in business a good while? A. Yes, sir.

Q. Had a good deal of experience in this line of business? A. Yes, sir; not in this line.

Q. In furnishing furniture? A. Yes, sir.

Q. For public buildings as well as private buildings? A. Yes, sir.

Q. And the State paid you promptly these bills? A. Yes, sir.

Q. About \$48,000? A. About that, as near as I can say.

Q. Are not these prices pretty round? A. No, sir.

Q. \$100 for a roll top oak desk? A. No, sir.

Q. \$100 for flat desks and flat tables in the Supreme Court room, aren't they rather steep? A. No, sir.

Q. (By Senator Voorhees)—Possibly not to the State?

A. No, nor to any one else.

Senator Voorhees—I haven't seen a hundred-dollar-desk yet.

Q. This was a pretty rich kind of contract, \$48,000 in one building? A. That runs over a period of five or six years.

Q. It runs from 1890 to 1894? A. No, I think you will find that some of these bills that were ordered by Mr. John Toffey and Major Anderson two or three years before that in that list—about seven or eight years.

Q. You are right as to two bills, there is a bill in 1887 of \$2,951 to State House expense and State House Fire bill, 64—making about \$3,000 all told, and then nothing until you get to March, 1890? A. Yes, sir.

Q. Didn't you see any State House officials about this, except Mr. Ford. A. No, sir.

Q. Never had anything to do with any of them? A. No, sir, except the men around the office here when I would come down to get my money sometimes; I believe I got most of the money.

Q. You came down yourself? A. Yes, sir; I believe so. I believe Mr. Hamilton or Mr. Moriarty came one or two times.

Q. You swore to the bills? A. Yes, sir.

Q. You kept your eye on it to that extent? A. Yes, sir.

Q. For instance, these bills that have your signature on them? A. Yes, sir.

Q. And that one? A. Yes, sir.

Q. There is one and here is one? A. Yes, sir.

Q. Here is one by Mr. Moriarty? A. Yes, sir, that is what I thought; I didn't know whether Mr. Moriarty or Mr. Hamilton—those are all mine.

Q. Did you get through with all this without having to make any presents to anybody, Mr. Mullin? A. Yes, sir; I think I went out one or two times when I was down here and had dinner with Mr. Ford, and he paid once and I paid another time.

Q. Just a stand off, then? A. About that.

Q. No commission? A. No, sir.

Q. No assessments? A. No assessments.

Q. No allowances? A. No, sir.

Q. And no presents? A. And no presents.

Q. And no gratuities? A. No, sir.

Q. Nothing in any shape or form? A. Nothing whatever.

Q. All you got out of this \$48,000 was legitimately your own and you didn't have to respond with any part of it? A. Not a bit of it.

Q. Either with furniture— A. Not in any way whatever.

Q. What percentage of profit do you call a fair profit on this kind of goods? A. Fifty or sixty.

Q. For instance, Wilton carpet like this, \$3 a yard, how much

profit in that, \$3 a yard made and laid? A. There would probably be about a third—hardly that, I think.

Q. That is about a dollar a yard profit? A. On that about that; I think this cost \$2.25 a yard.

Q. You had this made specially, didn't you? A. Yes, sir, and the price was made in advance for that.

Q. For the Assembly Chamber? A. No; I think for this, too.

Q. This, I see, is 70 cents a yard higher than the Senate Chamber? A. If I remember right, it was Governor Abbett that either picked this out or the other, I am not certain which, and gave the order for; that I am not certain about.

Q. This is American Wilton carpet? A. Yes, sir.

Q. And so is the Assembly Chamber? A. Yes, sir.

Q. Are they similar in quality? A. I think it is; I don't know; Mr. Hamilton knows about that.

Q. I see that the carpet in the Assembly Chamber was laid in 1892, and was \$2.30 made and laid, and that this carpet made and laid in 1893 is \$3 a yard? A. Yes, sir.

Q. When were carpets higher? A. I don't know; about the same, I believe; there might be a difference.

EUGENE MURPHY, sworn.

Examined by MR. CORBIN.

Q. Where is your home? A. Jersey City.

Q. Were you in the employ of John Mullins & Co. in 1893? A. Yes, sir.

Q. What period were you in their employment? A. From October, 1886, until the day after election in 1893.

Q. In what capacity? A. As bookkeeper.

Q. Of whom did the firm of John Mullins & Co. consist? A. John Mullins and Daniel Moriarty.

Q. What books did the firm keep in Jersey City? A. Well, they kept sales books, cash books, ledgers, check books—all the routine business books.

Q. What ledgers were kept? A. They kept an instalment ledger.

Q. What do you mean by instalment ledger? A. Ledger in which they kept all the instalment accounts.

Q. That is, furniture bought on instalments? A. Yes, sir.

Q. What else? A. What they called private ledgers, and, of course, then they kept a personal ledger.

Q. What do you mean by personal ledger? A. A ledger in

which the accounts of both members of the firm were kept, the amount of money that they drew, &c.

Q. Was that separate again from the private ledger? A. Yes, sir.

Q. What books did you keep? A. I kept the ledgers.

Q. Were you the chief bookkeeper? A. Yes, sir.

Q. Who made the entries in the sales books? A. Well, they were made by the other bookkeepers; now and then I made an entry there to help them out.

Q. You made some entries in those? A. Yes, sir.

Q. How many other bookkeepers were there? A. There were usually three.

Q. What did you do, if anything, with the cash books? A. I used to check the money off that was received there and entered by the other bookkeepers; I used to check it off and see that their cash tallied with the entry.

Q. Who kept the cash books? A. Well, in what way?

Q. Who made the entries in them? The other bookkeepers.

Q. You didn't keep the cash book, then? A. No, sir.

Q. But helped to put them and check them? A. Yes, sir.

Q. Did Mr. Moriarty, the partner, have anything to do with the cash books? A. He used to balance the books every morning—add up the cash, to see that they were all right.

Q. Now, as to the check books; who drew the checks? A. Mr. Moriarty.

Q. Did you have anything to do with the check books or checks? A. No, sir.

Q. When the vouchers came back, who checked them off? A. Mr. Moriarty used to check from the book and I used to call them.

Q. In whose name were the firm's moneys deposited? A. John Mullins.

Q. Where was that account? A. First National Bank.

Q. Was that the only account the firm kept there? A. No, there was what they called "Mr. Mullins' special."

Q. That was not the firm's business? No, sir.

Q. Do you remember the election-day of 1893? A. Yes, sir.

Q. Were you at the store during the day? A. Yes, sir.

Q. Who else was there? A. Oh, there was a lot of men employed.

Q. Were the partners there? A. Yes, sir.

Q. Do you remember how much of the day? A. Yes, sir; Mr. Mullins was there all day.

Q. What time did you shut up that day? A. About ten minutes past seven.

Q. Were you there until then? A. Yes, sir.

Q. Do you remember the morning following the election of 1893? Yes, sir.

Q. What was discovered in the store at that time? A. That two cash books were cut.

Q. Two cash books were cut? A. Yes, sir.

Q. Can you, by looking at these books, tell us which two were cut? A. Yes, sir; the two cash books that were in use.

Q. Select them and give me the numbers of them. A. They were not numbered at that time.

Q. What are they numbered now? A. Nos. 12 and 13.

Q. You discovered that morning that those books had been cut; who discovered it first? A. I guess I did.

Q. Where were the books? A. The books were on the desk.

Q. Lying down on the desk? A. Lying down on the desk.

Q. Was that where they were left the night before? A. Yes, sir; they always were left there.

Q. They were left there, ordinarily, were they? A. Yes, sir.

Q. Not put away in the safe? A. No, sir.

Q. Well, how about the other cash books which were not in use; where were they? A. They were in a rack, right in back; there was a rack built low against the floor, and they were in there.

Q. In any fireproof apartment? A. No, sir.

Q. How far back were the cash books there? A. Right in the rear of the office there; there must have been twenty-five or thirty books there.

Q. Were the sales books there, too? A. Yes, sir.

Q. Where did you leave these two books the night before?
A. We left them on the desk.

Q. Lying flat on the desk? A. Yes, sir.

Q. And you found them in the same place in the morning?
A. Yes, sir.

Q. Did you discover any other books had been cut that day?
A. No, sir.

Q. Did you look in other books? A. Yes, sir; I guess we looked at every book there was there.

Q. And you found nothing cut? A. No, sir.

Q. Did you see all of the ledgers the next day? A. Yes, sir.

Q. Where were they kept? A. In the safe.

Q. Did you discover any of them had been cut? A. None of them were cut.

Q. I show you a private ledger; was that private ledger cut the next day? A. No, sir; there was none of those cut.

Q. Did you have that book before you the next day after the election? A. Yes, sir.

Q. Was that cut at that time? A. No, sir; it was not.

Q. Look at No. 11; was that cut at that time? A. It was not.

Q. Did you examine these books to see if any more had been cut? A. Yes, sir.

Q. Look at the sales book No. 10; did you examine those sales books to see if they were cut? A. No, sir; it was not cut.

Q. Then, the only books that were cut at that time, as I understand you, were the two cash books, 12 and 13? A. Yes, sir. That book there, the State House was on page 17. I am quite sure that was cut out (referring to private ledger).

Q. Was anything else disturbed except these two cash books? A. No, sir.

Q. Was there any evidence of any robbery, or anything of that kind? A. No, sir.

Q. Any of the other books taken out of their places? A. No, sir.

Q. Did you find anything on the desk about there which indicated what they were cut with? A. Well, the next day there was a pair of shears found amongst the bills in the rack where the books were kept—the books that were out of use.

Q. What shears were they? A. Carpet shears.

Q. Carpet shears that belonged about the place? A. Yes, sir.

Q. Where must they have been brought from? A. Must have been brought from across the desk from the carpet floor.

Q. Was that in the other store? A. It is all one store now; the office isn't in the old building any more; it is where the new part is built; that is now the carpet floor.

Q. Had you ever seen these shears in there before? A. I don't recognize the shears, but I know they were carpet shears such as we use.

Q. If those were used, they must have been brought from the carpet part of the store; that is a pretty large store, running through from street to street, two stores wide—fifty feet about? A. Yes, sir.

Q. And they were found there by the books? A. Yes, sir.

Q. Was there any molestation, except the cutting of these books? A. No, sir.

Q. Did you find out where a person might have entered to get in and cut these books in the night? A. Yes, sir; the rear door was found open.

Q. How about the keys? A. The keys were gone.

Q. Who reported that? A. Kelly, the shipping clerk.

Q. You said a little while ago that you were in the employ of Mullins until the day after election? A. Yes, sir.

Q. When were you discharged? A. I was discharged the day after election, about half past three.

Q. In the afternoon? A. Yes, sir.

Q. You had been bookkeeper there seven years, had you? A. Yes, sir.

Q. What reason, if any, did Mr. Mullins give for discharging you? A. For playing the races.

Q. Did he charge you with touching these books? A. No, sir; I asked him; I said, "Mr. Mullins, I hope you don't connect me in any way with the cutting of these books," and he said "no; he wouldn't allow his own son to play the races, and therefore he wouldn't have strangers to do it."

Q. Did you hear after you left there that some more books were cut? A. I heard there was another cash book cut.

Q. How long after you left did you hear that? A. About a week.

Q. Did you know anything about that? A. No, sir.

Q. Did Mr. Moriarty employ you for some special services after you had been discharged from there? A. Yes, sir.

Q. What was it? A. To fix up a bill; he employed me, and I fixed it up in the stone house, corner of Newark avenue and Grove street.

Q. Not in the store? A. No, sir.

Q. How long after you were discharged was that? A. It was early in December; I know it was the first snow storm of the winter.

Q. Had that anything to do with the State House business? A. No, sir.

Q. How long were you engaged in that? A. I guess a couple of hours.

Q. Have you ever been employed in the store at all since the time you were discharged on the 8th of November? A. No, sir, never been it. I was in it once the next morning to get a recommend and get some papers.

Q. Did you get the recommendation? A. No, sir.

Q. Some detectives took this matter up, did they not? A. Yes, sir.

Q. How long did they follow it up? A. They followed it up as long as Mr. Mullins wanted to have any interest in it.

Q. Was it followed up after this publication in the "Jersey City News?" A. No, sir, not as far as I could understand.

Q. Were you familiar with the purchase of goods on behalf of the State from Mullins & Co. A. Yes, sir.

Q. By whom were they made for the State? A. The purchasers.

Q. Who was the purchaser? A. Mr. Ford.

Q. Did he come to the store? A. Sometimes.

Q. When he didn't come to the store how did he order them? A. By telegraph. Sometimes through Mr. Hamilton, too, who was the buyer.

Q. Mr. Hamilton was connected with the business at that time? A. Yes, sir.

Q. How many times do you suppose Mr. Ford was there with relation to this business? A. I don't remember, but it was quite often.

Q. When goods were entered in the sales book for the State how were they entered; perhaps you can find some that have not been cut out? A. You see the part is cut out there, No. 17; that would have some entries that I would like to show. I will see if one of these books hasn't got one in. Sales book No. 9, page 996.

Q. I call your attention to an entry, "State House, Trenton," several items of goods here without any price opposite. Was that the way they were usually made, without prices? A. Yes, sir.

Q. That is to the State House? A. Yes, sir.

Q. Did you have any other customer on your books to whom you entered goods in that way? A. No, sir.

Q. This still remains without any prices, does it not? A. Yes, sir.

Q. Can you refer me to some more? A. This book has been doctored since I have had anything to do with it.

Q. What book do you refer to? A. The first one of the private ledgers.

Q. In what respect? A. Prices filled in; it doesn't agree with the sales book.

Q. That is, the sales book has no prices and the ledger has prices? A. Yes, sir.

Q. Now look at these ledger accounts a little further; page 746, same ledger. I see a number of items there, merchandise, without anything carried out opposite? A. Yes, sir.

Q. Refer to those several pages and see what you find on the pages in the sales book? A. I find marked "See folio 574, new book."

Q. Turn to that folio, if you can find it; what do you find there? A. No, that is an error; right below "State House" I find it marked "From folios 523, 525, 553, 631, 947, 996, 996, 105, 1055, 1080, 311."

Q. Now, that is transferred from other folios in the sales book, is it? A. Yes, sir.

Q. There are items carried out here, aren't there? A. They have been carried out since I have been out.

Q. Are they in pencil or ink? A. Pencil.

Q. Do you mean to say they were not there when you left the firm? A. The footing of the book shows it.

Q. They are carried out in pencil but they were not included in the footing at the time? A. If they were carried out in that way when the book was added it would have been added.

Q. These items on this page foot up how much? A. The items of the State House account alone foots, according to this, \$2,379.75, and the total foot at the bottom of the book is \$1,315.92.

Q. Won't you explain to us about this matter of transfer that you have spoken of; when were the items first entered in the sales book? A. At the time of the placing of the order.

Q. By whom? A. By Mr. Ford.

Q. And were any prices carried out opposite them? A. No, sir.

Q. Well, then, what would next happen to the items? A. Well, we used to mark alongside of it under "When sending transfer."

Q. Who told you to do that? A. Mr. Moriarity.

Q. Well, now what did you do in obedience to that note, "when sending transfer?" A. When the goods were being delivered we would do it.

Q. When they were being delivered to the State you would transfer it where? A. The time of delivery.

Q. Still in the sales book? A. Yes, right under the heading that you see.

Q. Did you transfer any of them the second time? A. Yes, sir.

Q. How many times were some of those items transferred? A. Some of those items were transferred three or four times.

Q. What was the purpose of that? A. That was something I never could understand.

Q. You did it under directions? A. Yes, sir; I was not to ask any questions.

Q. You marked in the margin "when sending transfer?" A. Yes, sir.

Q. Can you find them by turning back to some of these folios—see if you can find them now?

Mr. Mullins—He is trying to mislead you. He knows that is the sales of the day.

Q. Now, *Mr. Murphy*, refer to this page of which *Mr. Mullins* has spoken, what should this be—referring to the sales book, page 10, 574, of which *Mr. Mullins* has just spoken. What is this footing, \$1,315.72, at the bottom of the page supposed to represent? *A.* Sales of that day.

Q. Well, does it include this sale to the State House that day? *A.* No, sir; those prices were not filled in; we were told to add it and never mind the State House.

Q. If those items which are now in pencil there and the footing was \$2,300, what would the correct footing of that day be? *A.* \$3,695.67.

Q. Were those directions which were given you “Never mind the State House”—did they apply to all State House items? *A.* Yes, sir; I am quite sure all.

Q. Refer to some more items similar to that, if you find any? *A.* There is one right following that, the first item on the next page.

Q. What is that? *A.* State House, Trenton, N. J., \$1,814.49.

Q. Are those in pencil also? *A.* Yes, sir; they are all in pencil save the item \$3.05 expressage.

Q. Are they footed in the day's sales? *A.* No, sir.

Q. Are the day's sales footed in ink at the end of the page? *A.* Yes, sir.

Q. (By Senator Skirm, to *Mr. Mullins*)—I see that the date on the book there—on the sales book, is December 31, as though it was the conclusion of the year's business; those things had been entered there—taken from other pages and entered there on your sales books so as to complete the year, is that the idea? *A.* (By *Mullins*)—I can't state that because I never kept the books, but when I see how the books are kept, he has here \$1,315.72, it is carried on \$1,315.92, so that means that that is the sales for that day, and so it runs along one day after another.

Q. (By Senator Skirm, to *Mr. Mullins*)—My question was why should these entries be on those pages unless it was the last of the year, and therefore you wanted to complete your business, and therefore this addition was made afterwards, isn't it likely? *A.* It is most likely that would be the reason of it.

Q. (By Senator Skirm, to *Mr. Mullins*)—Why are not those sales added in? *A.* (By *Mr. Mullins*) I don't know, sir; I didn't

keep the books; this was one of the bookkeepers; he had the books and houses and horses.

Witness—Yes, and I have got them now, too.

Q. Why were they not added in? A. Because they were not there to be added in.

Q. Do you mean to say those pencil figures were not there when the column was footed? A. That is it; no one was to know the price charged; that was the object.

Q. Please refer to one or two other instances; I don't want to let that matter rest on those two instances; can you find a third?

A. On page 354 of the same book.

Q. These are charged also in pencil? A. Yes, sir.

Q. What is the total footing to the State? A. \$216.50.

Q. What is the total in the footing at the bottom of the page? A. \$55.10.

Q. Then the sales to the State are not included in that footing?

A. No, sir.

Q. Find another one, if you can? A. On the same page there is another—page 354; it is marked by my writing, "Mr. Mullin says no charge."

Q. And no charge is made of it? A. No, sir.

Q. That went to the State House, Trenton? A. Yes, sir.

Q. Have you another; find another if you can? A. On page 377 of the same book.

Q. Carried out in pencil? A. One item.

Q. How much? A. \$443.50.

Q. There are several other items to the State here? A. Yes, sir.

Q. With nothing carried out against them? A. No, sir.

Q. Is that \$443.50 footed in the day's sale? A. No, sir.

Q. Find another and then we will stop that for the present? A. The next entry is a transferred entry; it is marked "See folio 550."

Q. Refer to folio 550; is it transferred again? A. No, it is there.

Q. Is it carried out with any figures? A. It is carried out with figures in lead pencil.

Q. Are they added in the day's sales? A. No, sir.

Q. Now refer to this ledger; is this your handwriting? A. Yes, sir.

Q. I see a large part of the items here "Charged to merchandise." A. Those are the transferred entries.

Q. And with nothing carried out opposite them at all? A. Those are the transferred entries.

Q. Then I find a number of others with items carried out in pencil on the ledger; whose pencil figures are those? A. Those figures are Mr. Moriarty's.

Q. Were they entered in the book when you left the firm? A. No, sir.

Q. Is there any other account in that ledger that is kept that way, with the debits in blank? A. No, sir.

Q. Why did you keep that ledger so? A. Because I was directed to.

Q. By whom? A. Mr. Moriarty.

Q. Do you know why? A. No, sir.

Q. Well, if you wanted to draw off a trial balance of your books how could you do it? A. Couldn't.

Q. Did you make an attempt? A. No, sir; I had nothing to do with those things; Mr. Moriarty attended to that; I never saw one drawn while I was there.

Q. Now, when you came to send the State a bill for these goods, how was that made up? A. Well, Mr. Moriarty told me to copy all the items off on the bill and marked what they were for and I did it.

Q. Did you put any prices opposite? A. No, sir.

Q. Did you have anything in the books to guide you to put a price opposite? A. No, sir; I told you what there is there; I notice the price, what the goods cost, is inserted on the inside margin there in a couple of instances; I noticed that.

Q. Refer to that. A. I find, on December 11th, 1891, page 354, one oak library table that was marked color \$9.50; that cost \$4.75; it is charged \$9.50; you will find one-half of that amount inserted in there is the cost.

Q. Item on page 354 of book 10. Well, take the next item? A. One four-drawer antique oak cabinet, color \$50.

Q. What does that mean? A. Cost \$25.

Q. That is billed to the State at— A. \$50, in pencil.

Q. The next item, one 132 Bailey press, what did that cost? A. Color 120, cost \$60.

Q. How much to the State? A. \$120.

Q. One stand, color 36, and billed to the State— A. \$36.

Q. What did that cost? A. \$18.

Q. One dozen 10 to 12—what is that? A. Color 6.

Q. What did it cost? A. \$3.

Q. What is the next item? A. One oak revolving book case, color 1306.

Q. What did that cost? A. \$6.53.

Q. It was billed to the State? A. \$13.

Q. Now where is the other instance you found of the color?

A. On page 398 of the same book, one No. 330, special desk, leather top, color 96.

Q. What is it charged to the State in pencil? A. \$96.

Q. What was the cost of that? A. \$48.

Q. Anything else on that page? A. No, sir.

Q. Those are the two items you referred to? A. Yes, sir.

Q. Is that "color" put in on most of the items? A. No, sir.

Q. Who was that inserted by? A. Well, one instance there I think it was by Reilly, and in the other instance by Frank Mullin.

Q. They are neither of them then in your writing? A. No, sir.

Q. Who is Reilly? A. He was a bookkeeper in their employ.

Q. Now you say in billing goods you made out a list of goods without any prices; to whom did you give those? A. I gave it to Mr. Moriarty.

Q. Before prices were to be put in and the goods billed to the State, what was done and who did it? A. Mr. Ford was seen.

Q. Did Mr. Ford come to the office, or where was Mr. Ford seen? A. He used to come to the store and Mr. Moriarty and Mr. Mullins, and him which ever would see him—

Q. And they would see him? A. They would go upstairs and arrange it.

Q. You say the prices were then made? A. Yes, sir.

Q. How long would they be at that? A. Sometimes a couple of hours; I have seen them a whole afternoon at it.

Q. When they came down were the prices on? A. Well, the prices were on the bills.

Q. That you had made out? A. Yes, sir.

Q. What was next done? A. Then that bill was recopied.

Q. Who did that? A. Mr. Moriarty.

Q. And did you see that after it came down sometimes? A. Yes, sir, I used to see them.

Q. And that bill went to the State, did it? A. Yes, sir.

Q. You sent some blanks to Trenton, didn't you? A. Yes, sir, Mr. Mullin used to take those.

Q. That was for the purpose of dividing the bills up after they got here? A. Yes, sir.

Q. So that the bills you sent to Trenton are not the identical bills that would be here now? A. No, sir; they are none of those bills in my handwriting; I have seen them.

Q. For instance, this bill of March, 1892, \$6,456? A. Yes, it is made out by Mr. Moriarty.

Q. Just take another—one or two—this bill of June, 1892, for

furnishing the Senate Chamber; look over the different sheets of it? A. I don't know whose handwriting that is.

Q. Is that anybody's handwriting in your place? . That is Mr. Moriarty's.

Q. Which part is that? A. The latter part of the bill; the first part is no one in his employ.

Q. Where is Moriarty's handwriting again? A. Right there (indicating).

Q. The second sheet is Moriarty's and the next sheet somebody else's? A. Yes, sir.

Q. February, 1892, furnishing new capitol? A. There is one thing added on here; it is all in the same handwriting which no one in the employ of Mullin excepting the last item, a charge for packing desk, \$7—that was done by Mr. Moriarty.

Q. What was that for? A. I don't know.

Q. That is put on right over the word "correct?" A. Yes, sir.

Q. After these bills had been corrected and arranged at Trenton, did they come back to your store? A. Yes, sir.

Q. What was done with them then? A. They were attached to that form which the State sends, and the affidavit was made on them.

Q. And did you make a copy of them at your store? A. Mr. Moriarty had copies of them.

Q. What was done with those copies? A. They were kept in the safe.

Q. When that was done did you take that copy and correct up your books by it? A. No.

Q. Who had access to the copy after it came back? A. Mr. Moriarty; the books were left just as they were; nothing was done with those.

Q. Refer to the ledger, taking the first one, that is the one that has met with an accident? A. No, the second is the one that met with the accident.

Q. The earlier one of the two private ledgers—refer to the State House account? A. Page 402.

Q. Is that the beginning of it? A. Yes, sir; the beginning of that.

Q. Well, that ledger to a considerable extent seems to be in ink, does it not? A. Yes, sir.

Q. Except the footing? A. Well, there are some of them filled out, you notice.

Q. Any balancing? A. No, sir.

Q. This ledger runs from the first set of items, rather, from January 17th, 1890, to March 22d? A. Yes, sir.

Q. I see there are two checks passed to the credit of this account; won't you look at the cash book and see where those are? A. Yes, I find the first cash book is No. 9, and I find on folio 906 one entry State House, Trenton, N. J., \$2,391.52; that was March 26th, 1890.

Q. Is that the only entry there is about it; that State check was passed to the credit of the account, was it? A. Yes, sir.

Q. Now look at June 20th of the same year, and see if you find another check? A. Yes, sir; June 20th, same year, folio 1049, State House, Trenton, \$1,740.

Q. That was passed to the credit of the account in the usual way, was it? A. Yes, sir.

Q. And was posted into your ledger? A. Yes, sir.

Q. That part of the account however has never been balanced, has it? A. No, sir.

Q. And new items were entered and balanced below? A. Yes, sir.

Q. But that remains still open without a balance? A. Yes, sir.

Q. Proceed to the next page of the ledger where that is transferred; I see a large number of items, entirely blank here? A. Yes, sir.

Q. What were those? A. Those are transferred entries.

Q. And then a lot of very small items, \$5, \$8 and so on, entered up in ink, what are those? A. Mullins' expenses, \$5; two trips to Trenton, \$8; Hamilton's expenses, \$5, \$5, \$4.50, \$4.50, \$4.50; Rickard, Trenton, one day, \$3; Hamilton, and finally Rickard, Trenton, \$7.

Q. The only items that were carried out in ink are these traveling expenses, are they not? A. Yes, sir.

Q. And the sales of goods are not carried out on the ledger there at all? A. No, sir.

Q. Now look at the lower part of this ledger--in December, 1891, here are carried out a number of large items in pencil? A. Yes, sir.

Q. Were those carried out when you had the ledger? A. They were not.

Q. Whose handwriting are they in? A. Moriarty's; they were not carried out in November, 1893.

Q. To what page does that account go? A. 6, page 747.

Q. What do you find there? A. The same state of affairs.

Q. There are a very large number of items filled out in pencil? A. Yes, they all seem to be filled out now.

Q. Whose handwriting are they in? A. Mr. Moriarty's.

Q. Hamilton's expenses, expressage, are carried out, are they not? A. Yes, sir.

Q. Was that page filled out when you relinquished the books? A. No, sir.

Q. Does this go to any other page? A. Yes, sir, 772.

Q. Now on the last page of this book, 772, appears to be a very large number of items filled out in pencil; whose writing is that? A. Moriarty's.

Q. Is the rest of the page in your handwriting? A. Yes, sir.

Q. Were those items blank when you left the ledger? A. They were.

Q. Where does this account go to? A. 17, new ledger.

Q. Where is 17, new ledger? A. It is cut.

Q. See if you can't find something in the new ledger that is not cut? A. Page 290 I find the same state of affairs—filled out in lead pencil except the expenses.

Q. Just for a moment refer back to the ledger that you called my attention to; these items which are filled out in your handwriting, tell us what they are? A. I find a charge of Mrs. Doyle, sewing at Trenton, \$25.39.

Q. What was she sewing at Trenton? A. Carpet. The next item is Mrs. Flynn, sewing at Trenton, \$12.31.

Q. What was she sewing? A. Sewing carpet.

Q. What is that item? A. Expressage, Trenton, 85 cents; Rickard, Trenton, \$3.

Q. Who is Rickard? A. A carpet cutter and measurer; he isn't a measurer, he is a cutter, but he measured this; expressage on mats, \$3.55; next charge, Rickard and six people at three and a half days, at \$2 per day; one man two and a half days; Rickard, five people, four and a half days, and Rickard and three people three-quarter day; paid Paul & Ale, that is, hotel keeper, and the items paid are \$49, \$5, \$5, \$54 and \$6.

Q. Now refer to the second ledger; what page have you in the second ledger? A. 290.

Q. What are the dates there? A. First date, January 17, 1893.

Q. These debits appear to be all filled out in pencil? A. Yes, sir.

Q. That is, the figures filled out in pencil? A. Yes, sir.

Q. Whose writing is the pencil? A. Mr. Moriarty's.

Q. Whose handwriting are the charges, the dates and the words, "To merchandise." A. Mine.

Q. And they refer back to pages on the sales books? A. Yes, sir, where I posted it.

Q. And you posted these from day to day as you would enter them? A. Yes, sir.

Q. And posted them in blank? A. Yes, sir.

Q. And did that during these two or three or four years? A. Yes, sir.

Q. Have you got any other accounts like that posted in blank? A. No, sir.

Q. All the checks, when they came in from the State, you posted those in the account right in that book, did you? A. Yes, sir.

Q. Then this account appears with a tremendous credit from the State and nothing to the debit of the State? A. That is right.

Q. Well, refer to the next folio where this is carried? A. I didn't keep the next.

Q. That is after you left, in the year 1894? A. Yes, sir.

Q. Are the goods still carried out in pencil in the same manner? A. Yes, sir.

Q. And the credits of the State's checks in the account on the other side? A. Yes, sir; I don't know how in the world they could ever balance them; I couldn't.

Q. Well, look at that account; what is the first thing there in the way of a debit? A. The top of the page is footed up \$41,795.28.

Q. Apparently brought forward? A. Yes, sir.

Q. And then some several hundred dollars in bills added? A. About a thousand.

Q. What is the credit on the other side? A. By check \$660.42.

Q. Then, according to that page, the State would seem to owe Mr. Mullins a matter of some \$40,000 yet? A. Yes, sir; that is what the books show.

Q. See if that \$41,000 agrees with anything else; see if it is "brought forward" from anywhere? A. Well, I see it has been added there from one place to the other.

Q. It is a footing from the former ledger folio, is it? A. Yes, sir.

Q. But the credit footings have not been carried forward, have they? A. No, sir.

Q. Do you find any charge, with the exception of these small items for expenses entered in ink, against the State of New Jersey in these ledgers; look them over? A. Well, we do from 17th of January, 1890, until the 15th of May, 1891.

Q. How about after that? A. No, sir.

Q. Do you find in these sales books any of those marginal memoranda which you spoke of "when sending transfer"; did

you look just now? A. I did find them before; I showed you there a short while ago some of them.

Q. Just find them again; it escaped my attention if you did.

A. I don't see any (witness examines books).

Q. Was there any other ledger kept? A. Yes, sir.

Q. What you call a personal ledger? A. Yes, sir.

Q. Is that ledger here? A. They have another.

Q. What was the character of that ledger; what was kept in it? A. Well, the account with the bank and the amount of money received every day and the amount of the sales every day, and then the accounts of both members of the firm.

Q. You spoke of telegrams coming from Mr. Ford in regard to this matter; do you remember a time when a number of telegrams came from him? A. Yes, sir.

Q. How far apart? A. They were right close to each other.

Q. Did you preserve the telegrams? A. Sometimes we put them on file.

Q. Were those preserved? A. They were kept, I believe, until Mr. Mullins came and saw them.

Q. Who were they addressed to? A. John Mullins.

Q. Were they preserved after he saw them? A. I don't know and don't remember.

Q. Did you see them? A. Yes, sir; I saw the telegrams.

Q. What were they? A. They were telegrams from Mr. Ford urging Mr. Mullins to meet him.

Q. Did Mr. Ford come after the telegrams? A. No, sir.

Q. He didn't come to the store? A. No, sir.

Q. Did Mr. Mullins speak to you of these telegrams? A. Yes, sir.

Q. What did he say about them? A. He told me to figure up the amount of money that had been paid by the State; he said "Barney" was getting impatient and wanted his divvy.

Q. About when was that, Mr. Murphy? A. I can't place the exact time.

Q. What year was it in? A. I am quite sure it was 1893.

Q. Can you by reference to anything in these books place the date? A. I guess I will be able to by finding a check here.

Q. Just find it, if you can? A. I wish that I had that private ledger; there are one or two things there I would like to look at.

Q. That is the personal ledger that you refer to? A. Yes, sir; I would like to have that.

Mr. Corbin—There is a personal ledger which we cannot get here, and I would like to have the Committee direct the production of that ledger.

Mr. Mullins—I will produce it if we have such a thing; if we ever had it we have it still.

Q. What was entered in it? A. The amount of money the members had in at the time of the partnership, and the ledgers in which the cash which was taken in every day is entered and all the sales are entered and the account with the bank; the amount of cash that was taken in in those torn books is in there, too.

Q. These private ledgers here do not contain those things you have spoken of? A. No, sir; they are only accounts with outside people.

Q. In answer to my last question you said Mr. Mullins had asked you to figure up how much money had been paid to the firm by the State? A. Yes, sir.

Q. Did you do it? A. I did.

Q. Did you give the figures to him? A. Yes, sir.

Q. How long a period did you cover in making those figures? A. I think I figured all the time in which Mr. Ford had given me orders.

Q. The first orders given by Mr. Ford—did it cover more than a year? A. I think it did; I am pretty sure it did.

Q. Think it covered more than a year? A. I did have all those things figured up on page 17, there; it is too bad that is gone.

Q. After you had given these figures to Mr. Mullins, what was done? A. Well, he told Mr. Moriarty, and Mr. Moriarty drew a check.

Q. To whose order? A. I think it was either John Mullins or John Mullins & Co.

Q. For what; how was the amount arrived at—the check? A. Well, it tallied with the percentage of the amount that was received.

Q. What percentage? A. I think it was 10.

Q. That is of the figures that you had given? A. Yes, sir.

Q. Was the check drawn for the exact figures or for round numbers? A. I don't want to swear to figures, Mr. Corbin.

Q. If you saw that personal ledger you have spoken of, do you think you could speak? A. Yes; I am quite sure it was round figures, though.

Q. What was done with that check? A. It was cashed at the bank.

Q. You saw it was to the order of John Mullins or John Mullins & Co.? A. Yes, sir.

Q. Who signed the check? A. Mr. Mullins.

Q. Who endorsed it? A. He did.

Q. Did you ever see that check again afterwards? A. I think I did in checking off with the others.

Q. It came back paid, did it? A. Yes, sir.

Q. You think if you have the personal ledger you can identify it, do you? A. Yes, sir.

Q. Can you remember the amount of the check? A. No.

Q. But you think you can identify it if you see the ledger? A. Yes, sir.

Q. Are you sure whether it was in John Mullins' account, or John Mullins' special account? A. It was in the store account.

Q. That is the John Mullins account? A. Yes, sir.

Q. Do you remember an occasion after the State had paid one of its bills that Mr. Moriarty gave you some directions as to entering memorandum in the margin of the ledger? A. Yes, sir.

Q. About when was that? A. I don't remember the date. I had it marked there in the book according to directions at the time.

Q. What year was it, can you tell that? A. I think it was 1893.

Q. And what was it he told you to put in the margin of the State's account? A. "Everything paid to here but Barrett's goods."

Q. Did you put it in the ledger? A. Yes, sir.

Q. In pencil or ink? A. In pencil.

Q. Can you refer here to where that was done? A. It is torn.

Q. That is one of those that was cut, is it? A. Yes, sir.

Q. What did that refer to? A. It referred to a dining-room-set sent to Mr. Barrett, of Newark.

Q. Have you the account of Mr. Barrett in the books? A. Yes, sir.

Q. Refer to the account? A. That is one of those handy ones; that is another they have torn.

Q. Is the name in the index? A. Yes, sir.

Q. What page is it in the index? A. 39.

Q. Is page 39 cut out of this ledger? A. It is.

Q. What was this account with Mr. Barrett, do you know? A. Yes, sir; it was a dining-room suit.

Q. That was all that was charged in it? A. That was all I am quite sure.

Q. Well, now you say that Mr. Moriarty gave you directions to enter in the margin of the State's account the words you have stated? A. Yes, sir.

Q. Did you send a bill to Barrett for his own account? A. No, sir.

Q. Why not? A. Mr. Moriarty told me the State was to pay it.

Q. Did you put it on the State's account? A. Yes, sir.

Q. Those items you put into the State's account? A. Yes, sir; and put it into the next bill that was copied according to the orders.

Q. Did you put it in as a dining-room table? A. I put it in whatever the entry called for.

Q. What was there besides the table? A. I think there was six chairs.

Q. Was it paid by the State in the next bill? A. I guess it was; I know I marked everything "paid to here" a little later on.

Q. Did Barrett ever pay his account? A. No, sir; not while I was with them.

Q. Where was those goods shipped? Did they ever pass through your store? A. No, they didn't come through the store; my recollection of it is that they were shipped by one of the New York firms and they were then charged against us, and we made our entry according to the bill which had been sent to the purchaser.

Q. And you had charged them up to Barrett direct? A. Yes, sir; I did.

Q. What did Mr. Moriarty say to that? A. He told me it was an error.

Q. And you transferred it to the State House account? A. I did—no, I think I left the entry on that page always showing against Senator Barrett, but I copied it in with the bill at Trenton.

Q. It went in with that bill? A. Yes, sir, it did.

Q. Do you recollect the amount? A. It was like all the others; I didn't know any amount; I couldn't tell you the amount of anything there; they were not filled out.

Q. How about in Barret's account, was it filled out there? A. I don't think it was; I think it was the same to Barrett.

Q. Blank? A. Yes, sir.

Q. Do you recall from whom the goods were procured? A. I do not.

Q. When did this occur, as near as you can remember? A. I think I can get in between about what times the date of some of those accounts were opened.

Q. That is where the pages are gone, you mean? A. I couldn't tell you.

Q. Can you tell about when these accounts were open ; when was that ? *A.* No, sir ; because there were some of those transferred accounts.

Q. Would this missing personal ledger give you any clew to that ? *A.* No, sir.

Q. Did you ever see this set of furniture ? *A.* No, I don't think so ; I entered bills there for a million dallars' worth that I never saw ; it wasn't my place.

Q. You simply entered it under goods that were reported as shipped ? *A.* Yes, sir.

Q. Do you know anything about the value of them ? *A.* No, sir, I don't remember ; it wasn't very great, I don't think.

Q. I am requested to ask you this question, whether you did not try to get \$200 from Mr. Barrett ? *A.* I did not.

Q. From the " New York World ? " *A.* Do you imagine I would go to the " New York World " to try to get it from Mr. Barrett ? You asked me the question and I will answer it.

Mr. Corbin—I can't try issues against every person who is mentioned here, and if counsel will make suggestions and will write down questions I will put such of those questions as seem to me to be proper. I shall have to exercise my own judgment. If I don't deal fairly with the witnesses I trust that the Committee will see that they are fairly dealt with.

Senator Daly—If any innocent parties will hand up questions to the Committee, the Committee will ask them from a legal standpoint as to how far they may affect the credibility of the witness.

Mr. McDermitt—Of course the Committee is aware that Mr. Barrett is a reputable member of the New Jersey Bar and a former State Senator ; and we desire to say to the Committee that the only furniture that ever came from Mr. Mullins was an office desk and six chairs, to Mr. Barrett's office, in Newark, and they were given to Mr. Barrett by Mr. Mullins as part consideration for counsel fees and services rendered by him in buying property adjoining Mr. Mullins' property in Mechanic street.

Witness—If Mr. Mullins owns all that property personally, and if Mr. Mullins made it, why, if they were not made as a present for counsel fees, why should they not be charged against Mr. Mullins as though he had received that amount of money ; why should the firm pay it ?

Q. (By Senator Herbert)—Did those items that Mr. Barrett got go in the State bill? *A.* Yes; I made them up, and I put them in the State bill.

Mr. Corbin—I think it will be agreed that I have been fair about this.

Senator Voorhees—I think the position taken by you is the proper one; it would lead to endless investigation if we had to try every issue that may be raised here. The province of this Committee is one of investigation, and not the trial of those who may be mentioned. Those of us who know you, have perfect confidence in your fairness, and any one who may be brought out incidentally with the extravagance connected with the State House, I feel quite sure in saying that I simply voice the sentiment of all the Committee, that they will be fairly treated; and the course suggested by you, it seems to me, and I think it does to the other members of the Committee, is the only one we can follow in this investigation. It might just as well be known now as hereafter, if, incidentally, some names may be brought out during this investigation, I have no doubt you will be perfectly willing to act upon the suggestions of the Committee and seek to get at the truth, and that is all you want.

Mr. Corbin—I should be very sorry to leave any false record. This fact I have brought out, not at all to touch Mr. Barrett, but because it is an alleged fact that come under my observation which does affect this company and those who are dealing with it. It may all happen and yet Mr. Barrett know nothing about it.

Senator Voorhees—I don't understand that there is any reflection upon him. These may have been sent to him without his knowledge that they were paid for by the State.

Q. Do you know of other furniture which was charged upon the State bills and which went to individuals? *A.* Well, there are two more, but there is one of them I know was not—I am quite sure was not, and the other one I don't remember; there was a charge on there—the other two, I don't think were; I rendered the other two bills; I refer to an account of N. H. Thompson, 465 Morris avenue, Elizabeth.

Q. It simply appears on your book as an unpaid account? *A.* Yes, sir; I rendered that bill, and I rendered the other one.

Q. Rendered by mail, or how? *A.* By mail.

Q. Was it ever paid? A. No, sir.

Q. Was it ever transferred to any other account? A. I don't think it was; it merely remains there; I was directed to send no more bills.

Q. But you don't say that it was put upon the State House account? A. No, sir; I do not.

Q. Do you recall the circumstance of any goods going to Hoboken? A. I find an entry here on the 11th day of March, 1890, Leon Abbett, Jr., Jersey avenue and Mercer street, one No. 266 antique oak desk, \$100.

Q. Anything else? A. One screw spring Senate chair, \$18.

Q. Now turn to your ledger account? A. It is originally entered in the ledger as the entry in the sales book is.

Q. How is that? A. Leon Abbett, Jr.

Q. What page in the ledger? A. Folio 440; turning to folio 440, it is marked "See page 402, State House account."

Q. Well, turn to that. A. 402, State House account; I find it is the first item here, and helps to make up the bill of \$991, which was paid.

Q. Look at the bill which I show you, paid February, 1891; is that the item on the bill? A. That is the item.

Q. Now refer to the sales book, where this is first charged to Leon Abbett, Jr.; there is an erasure, is there not? A. Yes, sir.

Q. What was this desk first charged at? A. \$85.

Q. What is it charged at now? A. \$100.

Q. Do you remember where those goods were sent; is there anything here to show? A. The entry shows that they went to Jersey avenue and Mercer street.

Q. Leon Abbett, Jr., was the Private Secretary of the Governor at that time, was he not? A. I think he was.

Mr. Mullins—That is right; it is charged to the State by order of the Governor that was then.

Q. You have referred us to a number of figures on the sales book which you call color figures? A. Yes, sir.

Q. And which indicate to you the cost of the goods? A. Yes, sir.

Q. Can you refer us to any more in these sales books—to some of these items that are not cut? A. I find here in sales book No. 7, page 467, April 10th, 1890, two No. 134 antique oak desks, color 200.

Q. Charged to the State? A. \$180.

Q. What did they cost? A. \$100.

Q. See if you can find another? A. In the same book, on folio 894, under date of June 10th, 1890, there is a charge which reads:

"State House Trenton, N. J., one Senate screw spring chair, walnut, \$18, delivered to H. M. Negus, Red Bank, N. J., by way of Adams Express from Newark store."

Q. Whose handwriting is that? A. Mr. Felner's.

Q. Is there any color mark there? A. No, sir.

Q. Now find another? A. I find an entry on the 18th day of February, 1891, Book No. 8, State House, Trenton, N. J., 24 thirty-six-inch Smyrna rugs, \$192, color 12.50, cost \$6.25 and charged \$8. The next entry three dozen Vienna arm chairs, color 57 a dozen, \$162.

Q. What did they cost? A. \$28.50.

Q. What are they charged at? A. \$54; it is marked "from pages 1,040 and 1,076."

Mr. Corbin asks the Committee to have the books retained, in order that he may examine them, and counsel for Mr. Mullins requests permission to examine them also, which was granted by the Committee.

JOHN MULLINS, recalled.

I don't know that ever we had any account with Mr. Barrett nor I don't think we have still, nor I don't think it has ever been charged to the State; that I can't say, but I do know that I served Mr. Barrett with half a dozen chairs and a roll top desk in his office and he sent back and said "send me a bill for them"; I said "I wouldn't; never mind that, you wouldn't send me any bill for the part you took in buying some property." I had to go to a law suit—the rear of my business place in Newark, Mr. Coles, that was next door, went and made an affidavit—it was an estate—before whoever had it in charge—that I hadn't paid a fair price for it, and that he was willing to pay more and finally through the—

Senator Voorhees—You got into Chancery?

Mr. Mullins—It was getting into Chancery, but the Chancellor, or whoever it was who had it in charge, asked me if I would be willing to give—I had to have it—it looked to me at the time as if it was a dodge of Coles to squeeze me out of another thousand or two dollars; I think I had to get two or three thousand dollars more than what I had originally bought it for.

Q. (By Senator Skirm)—And Mr. Barrett served you in this matter? A. Yes, sir; I came I think three days there and he wouldn't take anything, and I says "we will call it square" and he said "all right"; such a thing as ever sending anything to Mr. Barrett's house, I don't know that I did. If I had an account

with him it was unknown to me, and I know I wouldn't allow it to go if it was called to my attention and be charged to the State. I never saw this Senator you heard of last. I know that I never spoke to him; if I did it was unknown to me, and why there should be a chair sent to him I don't know why it was at all. Mr. Hamilton was coming down here and he might at the time, getting orders from Mr. Ford, and that Senator might be there and he might say well, what are those and whatever the price was, \$18 or \$20 or \$30, whatever the price was, I never knew; he might say, "send me one of them," and Mr. Ford might say "send it on"—I don't know that he did. I know all about Mr. Barrett's; I know that he got no dining suit or anything like that from the house.

Q. You were not aware that there was an account on your books against Senator Barrett? A. No, sir.

Q. And that it had been transferred to the State House account? A. No, sir, I did not; if there is an account there I don't know it; I don't keep the books any way; there is charges there and I don't know whether when this man makes a statement about the prices of the goods—I don't know whether he is telling the truth or lies; I don't think that he knows what Mr. Hamilton paid for the goods.

Q. I understood him to say those figures were put down for that purpose by the bookkeeper to indicate that? A. I never had anything to do with the making of the price; Mr. Hamilton and Mr. Moriarty put it down, and it was supposed to go at that.

Senator Voorhees—The order is made that the books be taken in the custody of the Sergeant-at-arms, and if Mr. Mullins likes, the Sergeant-at-arms will give him a receipt for them. Mr. Mullins is at liberty, if he wishes, to consult the books while they are in the custody of the Sergeant-at-arms.

Adjourned to Tuesday, March 12, 1895, at 10 o'clock, A. M.

TRENTON, March 12th, 1895, 10 A. M.

JOHN MULLINS, recalled.

Examined by MR. CORBIN.

Q. (By Mr. Voorhees)—Mr. Mullins, the other day you produced two ledgers, marked "private ledger?" A. Yes, sir.

Q. (By Mr. Voorhees)—And you have been summoned to produce the third one, bringing the ledger accounts down to the present time; have you produced it? A. They will be here in a few minutes.

Q. (By Mr. Voorhees)—And also to bring some other books and some checks; will they be here? A. Yes, sir.

Q. (By Senator Voorhees)—Are they here in the building, Mr. Mullins? A. They will be in a few minutes; I just sent after them.

Mr. Corbin—In the meantime I would call the attention of the Committee to the fact that there are four checks missing from these checks that were produced in answer to the subpoena, and I have issued a special subpoena for those, Nos. 11,105, 11,172, 11,093 and 12,143, four checks of John Mullins & Company, on the First National Bank of Jersey City. The other documents desired, for which we issued a special subpoena, are the private ledgers of 1894 and 1895, a continuation of this series, and a personal ledger, so called—are referred to by Mr. Mullins as business ledger, for the years 1890 to 1895.

While we are waiting for those papers I desire to call the Committee's attention to these books that were produced the other day which were found to be mutilated. I think the mutilation is somewhat more extensive than the Committee were aware of at that time.

From cash book No. 11, 241 pages are gone, from 959 to 1200; cash book No. 12 has 376 pages missing, from 283 to 658; cash book No. 13 has 488 pages missing, or from 3 to 490.

These cash books cover substantially the entire period from the middle of 1892 to the end of 1893, and I think it is right that I should call the Committee's attention to the fact that it was during that period that by far the greater portion of Mr. Mullins' goods were supplied to the State and the money paid by the State to his firm.

The sales book No. 10 has ninety pages missing, from 783 to 872; that covers the period of February and March, 1892. Sales book No. 12 has 373 pages missing, covering the period from November, 1892, to September, 1893. The most unfortunate mutilation for us, of all, is the ledger; the second private ledger, as we have designated it, has 34 pages missing, from pages 9 to 42, the first entries beginning in January, 1892. By reference to the index of this ledger, Mr. Chairman, it will be seen that the accounts which have been destroyed and taken from this ledger are some twenty or more in number. By careful comparison of the index of the

ledger all the accounts which were missing can be ascertained, and they are the following :

Mrs. Hartman's account, on page 9; Mulroy's account, on the same page; Hugh Dubin's account, on the tenth page, and then follow McQuade, Athletic Club, Reilly, Sacred Heart Academy, St. Francis Hospital, Cleary, Athletic Club, the Board of Fire Commissioners of Jersey City, page 16; the State House account, page 17.

The references through these sales books, what are left of them, and cash books, show that that account on page 17 is the account which of all others this Committee would probably like to see, as it has the greater part of the dealings with Mullins & Company with the State.

Then follows Judge Garrick's accounts, Mrs. Herbert's, Noonan's, Col. Heppenheimer's account, page 21; J. Boylan's account, page 22, and numerous others; William Wall's account, Rev. Father Hennesy's account, Board of Public Works of Jersey City, page 37; Senator Barrett's account, page 39. But one leaf was taken out after Senator Barrett's account.

I would very much like to see these other books before we proceed any farther.

Chairman Voorhees—I think it is well that you should, Mr. Corbin.

Sentor Daly—These leaves that were torn out of these books don't comprehend alone the State House account.

Mr. Corbin—Oh, no; some twenty accounts.

Q. Are these the books? *A.* Yes, sir.

Q. Mr. Mullins, you have produced an invoice ledger? *A.* Yes, sir.

Q. That you were summoned to bring, I believe? *A.* That is right.

Q. And you have produced another book, endorsed ledger? *A.* Yes, sir.

Q. Beginning in January, 1891, and with some entries down to 1895. You were summoned to bring the private ledger following these two—where is it, the one now in use? *A.* Those are the only ones that I know of.

Q. That is the invoice ledger; that is another thing entirely? *A.* I beg your pardon, I think it is the bank account and my own account, I believe it is.

Q. It is endorsed Invoice Ledger? *A.* I think you will find

Mr. Murphy—some of his writing in the ledger; when he says they are copies I want to contradict him.

Senator Daly—There should not be any controversy here. Wait until Mr. Murphy is called.

Q. I asked you to produce the third private ledger, bringing your accounts down to date. Where is it? A. Well, sir, I brought the very books that they gave me and said those was the books following—the others are up to date.

Q. That doesn't appear to be here. Do you know where it is? A. I do not, sir; I never kept the books.

Q. You testified the other day that you had two sets of ledgers, a private ledger, and what you called business ledger, and what Mr. Murphy designated as a personal ledger, showing your account with the First National Bank and your account with your partners and your account with cash. I summoned you to bring that, from 1890 to 1895. Where is it? A. Mr. Murphy said so, but I believe that I remember saying, as far as I can remember, that if there was such a ledger it was unknown to me, but if there was I would bring it.

Q. Do you mean to say you have got no ledger showing your cash account? A. Yes, sir; there is one there.

Q. I summoned you to bring your ledger showing your account from 1890; this begins in 1891? A. Well, now, I can't say when these commenced; I never kept the books.

Q. I call your attention also that your account with the First National Bank here begins in May, 1892, and says "transferred from old book." Haven't you got the other one before that. You haven't anything that shows any account with the First National Bank, nor any cash account? A. Well, I don't know of any others.

Q. Did you produce the four checks that I summoned you to bring? A. I didn't, because I can't find them, without they are in those.

Q. What are these? A. Those are my personal checks.

Q. This is John Mullins' special account, isn't it? A. Yes, sir.

Q. That is your private account? A. Yes, sir; I don't keep any other account but that and a business account; this is the bank and this is part of the others; I had no bank book stubs, because that would go to the bank—

Q. Where are your books kept at the present time in Jersey City? A. 121, 123 and 125 Newark avenue.

Q. Aren't there some other ledgers similar to these in appearance there? A. No, sir; not that I know of.

Q. You mean to say you don't know where that personal ledger is that shows your account with the First National Bank?

A. That is the only ledger I had that has any account with the First National Bank at that time.

Q. And you don't know where your ledger is that shows your bank account previous to 1892?

A. No, sir; I don't, unless you have them down here.

Q. Who kept your ledgers for you?

A. Mr. Murphy, Mr. Morarity and other bookkeepers.

Q. Mr. Murphy kept them up to the time he left, did he?

A. I believe partly kept and partly in—

Q. You say you think we will find his handwriting in this one?

A. I think so; I am not certain.

EUGENE J. MURPHY, re-called.

Examined by MR. CORBIN.

Q. In 1893, when you left the firm of Mullins & Co., what ledgers did you keep?

A. I kept the private ledgers.

Q. You refer to these I have here under my hand?

A. Yes, sir.

Q. What else?

A. The personal ledger.

Q. Is that here?

A. It is not.

Q. Anything else?

A. The instalment ledger.

Q. That is not here, I believe?

Q. No, sir.

Q. What is that book that is produced here to-day?

A. That is the book in which the accounts with the stores are kept, the indebtedness of the different stores to the Jersey City store, and since I have left I find the account of Mr. Mullins is transferred in here.

Q. Transferred to this account?

A. Yes, sir.

Q. Was it kept in there before?

A. I see I had transferred a part of it.

Q. How far back had you transferred it?

A. April 15th, 1893.

Q. See if there is anything in there of Mr. Mullins' previous to that?

A. No, sir.

Q. The ledger that you have referred to as the personal ledger, which previous to that shows the account with the First National Bank and with the members of the firm, has that been produced here?

A. No, sir.

Q. This other book that has been produced?

A. That is the invoice book, invoice ledger.

Q. I ask you to take this private ledger which has been found

cut—what day did you leave Mullins & Co.? A. I left there the day after election, 1893; I don't remember what date.

Q. November 7, 1893, was it, about? A. Somewhere about there.

Q. By the index you will observe that Dr. Baumann's account was on page 36? A. Yes, sir.

Q. Turn to page 36, count up the pages from here to where page 36 was; is there some part of the page left? A. Yes, sir.

Some of the stub of the book is left there since it was cut? A. Yes, sir.

Q. What is the last date entered there in Baumann's account? A. All we can find are the figures of the credit; it don't show the date side; I see 7 50, and then it looks like there had been 4 75.

Q. Can you by referring to the other books give us any information about that? A. Baumann's account? I guess I can; I want the book from anywhere from 1893 on, the salesbook.

Q. Do you find any posting for that? A. I haven't looked through the book; I haven't looked back through here; I find that something has been entered since I left.

Q. You say the figures there—are they in your handwriting? A. No, sir.

Q. There has been posting there since you left? A. Done by persons not under his employ when I was there.

Q. By bookkeepers since? A. Some bookkeeper who followed me.

Q. Those last credits are not in the handwriting of any bookkeeper that was there when you left, the last one by Moriarty, the one before that? A. The one before that is by a bookkeeper who came before me.

Q. Refer, then, to the Board of Public Works account, page 37, and speak as to that. A. I cannot trace that; I might by referring—

Q. Can you refer to the sales book? A. I will see if I can. On the first day of March, 1894, I find an entry to Mrs. George B. Wilson.

Q. And posted to what page? A. Posted to folio 24.

Q. Is that her folio in this ledger? A. It is.

Q. (By Chairman Voorhees)—That is the cut ledger? A. Yes, sir; I find on the second day of March, on page 884 of the same book, March 2, 1894, an entry, "Mrs. Joyce, 571 Pavonia avenue."

Q. What page is that posted to? A. 30.

Q. Proceed to see if you can find any more. A. I find on folio

885 of the same book and date an account posted to St. Francis' Hospital, folio 14.

Q. Was that their folio in this cut ledger? *A.* It is. I find on the third day of March, on folio 887 of the same book, an account charged George B. Wilson, posted to folio—

Q. Is that the folio in this cut ledger? *A.* Yes, sir.

Q. Proceed. *A.* I find on folio 890, St. Francis Hospital again; the date is March 3, 1894, an entry posted to folio 14.

Q. That is their folio in this ledger, is it? *A.* Yes, sir.

Q. By the way, in whose handwriting is that entry and posting? *A.* Some one who came after me. Oh, 14, the entry in the sales book? Some one who came after me; the 14 appears to be Reilly's.

Q. (By Senator Voorhees)—These are all cut pages, I understand? *A.* Yes, sir.

Senator Skirm—And after Mr. Murphy left the employ of Mullins & Company?

Mr. Corbin—Yes, sir. The point is this: Mr. Murphy testified that he left their employ on the 7th of November, 1893, the day after election. This testimony is to show that this book was in existence for many months after that. There are numerous postings to these pages that are in the handwriting of subsequent bookkeepers.

Senator Daly—Including those pages that are gone?

Mr. Corbin—Yes; we have a list of all the accounts that are gone.

Senator Voorhees—And Mr. Murphy is confining his testimony to those pages that are missing?

Mr. Corbin—Solely to those pages.

Q. Have you another? *A.* Yes, sir.

Q. What is it? *A.* March 24, 1894, folio 975, I find an entry to St. Francis Hospital posted in folio 14.

Q. Have you another? Please look at this ledger which has been cut. I observe that on these stubs that are still left are a number of dates. Look those through and see if you find any dates left there subsequent to November, 1893? *A.* I find writing on page 12; I know that has been done since then.

Q. Whose writing is it? *A.* Writing, I think, of the book-keeper who followed me.

Q. Is it the writing of anybody who was there when you left? *A.* It is not.

Q. That is on page 12—has the account of Miss Reilly at the

top and Mr. Waters at the bottom? A. Yes, sir; this was the top account.

Q. Proceed. A. On folio 14 I find five entries of credits made since I have been away.

Q. That is the St. Francis Hospital account? A. Yes, sir.

Q. Proceed? A. I find on page 24 one figure made since I have been gone.

Q. That seems to be George Meason's account up at the top? A. That is the top account; I find in 28 some figures have been made since I have been out.

Q. That is Reagan's and Higgins' account? A. Yes, sir; I find in folio 30 two amounts made.

Q. That is D. C. Joyce's account? A. Yes, sir; I find on page 35, in Mr. Moriarty's handwriting, date "March, 1894."

Q. Will you hand that up to the Committee? A. (Witness did so.)

Q. Is it the top or lower part? A. The upper account.

Q. J. F. O'Melia's account? A. Yes; I find in folio 36, top account, two entries made since I have been gone.

Q. Go on? A. 40, I find two entries—I find about four entries on there.

Q. Upper or lower account? A. It is all one account, I think, on that page; then that brings me to where the pages are left in; that goes through those torn pages.

Q. Will you please refer to sales book No. 10, page 354? You referred to an item there the other day for sponges; is this it at the bottom of the page? A. Yes, sir.

Q. The item reads in this way: "State House, Trenton, N. J., one bale sponges, color 90;" you will have to read those names for me? A. From Isaacs & Heineman.

Q. What is this mark here—D. M.—what does that stand for? A. Dan Moriarity.

Q. Then the following entry of Mr. Mullins says no charge? A. Yes, sir.

Q. Attention was called to that the other day; what does the "color 90" mean? A. It means that the sponges cost \$45.

Mr. Corbin—I desire to go back a little in the investigation to call the attention of the Committee to Exhibit 3, which is one of the bills of Mr. Alexander I. Reilly which was produced on the first day's hearing. This shipment of sponges to the State House, December 11th, 1891, has the statement, you will observe, at the bottom, "No charge." In Mr. Alexander I. Reilly's bill, which Mr. Reilly says he put in for the Superin-

tendent, Mr. Ford, appears on the next day, December 12th, the following charge: December 12th, 1891, Mr. Reilly's bill contains this item: "Forty-eight and one-half pounds sponges, best sheep's wool, \$121.25," which appears to have been paid by the State next day.

Mr. Mullins—Now, your Honor, I don't know whether—

Chairman Voorhees—Mr. Mullins, this does not reflect on you. It shows that a gift by you was charged by Mr. Ford to the State for \$121. You were more liberal than he.

Mr. Corbin—I wish it might be understood, Mr. Chairman, once for all, that I am not trying all the people whose names may be mentioned, but I am trying to get at the facts with reference to the expenditure of public moneys fraudulently by public officials, and the expenditure of public moneys for goods which the State never received, and I cannot be diverted into every channel to which these names may lead.

Q. Will you please refer to sales book No. 9, page 553? A. Yes, sir.

Q. You referred to an item, the other day, with the name of Mr. Leon Abbett, Jr., connected with it. Where is that item?

A. On the bottom of the page.

Q. Now, refer to sales book 10, page 574? A. 574.

Q. Will you please read this entry in sales book 9, page 553? A. "Leon Abbett, Jr., 229 Broadway, New York; one oak desk, color 84; one revolving chair, screw and spring, charged, Farrell; delivered by McDonald on the 6th day of June."

Q. Now, refer to the other item, page 291? A. Yes, sir; page 291; I find it is the transferred entry from that page, and it is charged "one oak desk, color 84, \$84; one revolving chair, screw and spring, color 18, \$18."

Q. That went to 229 Broadway, did it? A. Yes, sir.

Q. Then this entry shows it was delivered, does it? A. Yes, sir.

Mr. Corbin—Now, if the Committee will refer to the exhibit which is already in, being bill No. 1090, January, 1892, State House Expense, they will see that there is a charge to the State for that chair and desk.

Q. Now, refer to the sales book 7, page 314? A. Yes, sir.

Q. Read that item of March 11? A. "Leon Abbett, Jr., Jersey avenue and Mercer; one screw and spring Senate chair, \$18; one 266 antique oak desk, \$100."

Q. Is that the whole of it? A. Yes, sir.

Q. To whom was it charged? A. Leon Abbett, Jr.

Mr. Corbin—If the Committee will refer to voucher 1215, already in evidence, February, 1891, they will find that that is charged to State House Expense.

Q. Now, please refer to voucher 1090, which is "Exhibit 55" in this inquiry, the first item on the bill paid by the State, signed as correct, January 26, 1892, bill for \$320.38. The first item is the desk and revolving chair sent to 229 Broadway; I think you have put that in already, that sales book 9, page 553. Now refer to sales book 9, page 911, same voucher. Look for an item there of goods that went to Hoboken, please. A. The date is August 29, 1891, and the entry is "Mr. L. Abbett, Jr., Second National Bank, Hoboken, N. J., two Vienna arm chairs, cherry, \$7.33, making total, \$13.83."

Mr. Corbin—The bill to the State on that date for these two Vienna arm chairs, \$10, and four arm chairs at \$12.

Q. Now refer to sales book 10, page 57; find an item there of goods to Hoboken, October 26. Read the item, page 57, in book 10, October 26. A. It is on folio 57, date October 26, 1891, "Leon Abbett, Second National Bank, Hoboken, three cherry Vienna arm chairs, \$9.75."

Mr. Corbin—They are charged \$15 in the State bill.

Witness—Three cherry Vienna arm chairs, \$6.

Q. Where did they go? A. Second National Bank.

Mr. Corbin—I call the Committee's attention to the fact that on this same bill, voucher 1090, January, 1892, which is marked "for office of private Secretary to Governor," there occurs not only this desk and chair, and these other chairs, but 45½ yards Wilton carpet for the Governor's Secretary, 27 yards of border, &c., all for the private Secretary's office, the total being \$320.38, there being no such charge in Mullins' books either to the State or Leon Abbett, so far as these books show.

Q. Please refer to sales book No. 7, folio 95, and find, also, folio 146, in the same book. Read me an item in regard to a couch in the Comptroller's office of General Heppenheimer. A. January 17, 1890; page 95.

Q. Read the item? A. "State House, Trenton. Ordered by B. J. Ford, one No. 118 leather lounge for Mr. Heppenheimer, \$80."

Q. Is that all of it; have you read the whole? A. "Shipped on 18th, one sofa."

Q. Now refer to page 146, and read what you find about it there? A. I find under date of January 31, 1890, one No. 118 lounge, Col. Heppenheimer, color 45, 50, \$80.

Q. Is the color there? Yes, sir.

Mr. Corbin—Those are both entered in the voucher and paid for by the State.

Senator Skirm—As two separate items?

Mr. Corbin—There are two separate items; yes, sir.

Q. They were sent both marked Comptroller's office, were they not? A. Yes, sir.

Q. Look at the item in book 7, page 179, with regard to some desks, marked Governor's desks. A. I find under date of February 8th, 1890, "State House, Trenton, N. J., 2 No. 266 oak desks, color 88 each," and they are not carried out.

Q. No sum carried out? A. No, sir.

Q. Now turn to page —; that means a cost of what? A. Cost \$44.

Mr. Mullins interrupted the witness at this point.

Chairman Voorhees—It might just as well be understood now, that if you desire to ask any questions you must do it through counsel to the Committee. There is no intention of doing you a wrong or an injustice. Now, you can get it through Mr. Corbin just as well as by annoying the witness.

Mr. Mullins—I thought it was no harm to me to look whose entry it was—whether it was him who entered it or not.

Chairman Voorhees—You might ask Mr. Corbin.

Q. Page 183? A. Yes, sir.

Q. What is that? A. I find under date of February 10th, 1890, "State House, Trenton, N. J., 2 No. 266 oak desks, \$105 each, \$210."

Q. Any mark on them as to delivery? A. They are marked "not delivered."

Mr. Corbin—I call attention of the Committee to the fact that they are, nevertheless, paid for in the account.

Q. Turn now to February 26th, page 262. A. "One desk, Governor's room, \$95; one desk, President of Senate, \$105."

Q. Is that all the entry with regard to those desks? Are there not two Governor's desks? A. There is one for Governor's room, one for President of Senate, one for Speaker of the House.

Mr. Corbin—Those also are paid for, as will be seen by ledger, folio 402 of the ledger.

Q. Refer now to page 183 of that same sales book, with regard to the prices of goods.

Mr. Corbin—I desire to call attention of the Committee to a few items with a view to show that entirely different prices were charged within a few days for the same goods.

Q. Item of February 10th, 1890, desk charged at \$105, what do you find? A. There is two No. 266 oak desks; I find them charged \$105 apiece.

Q. Now, refer to December 22d, 1890, sales book 8, page 906, what do you find there? A. I find three No. 266 desks, charge \$245.

Q. December 27, page 973, what are they charged? A. I find the desks charged \$95, same desk.

Mr. Corbin—Those desks are charged, the Committee will observe, at \$105, \$81.66 and \$95, all in the same bill.

A. This desk we have no record of delivery of.

Q. How were these desks marked when goods were delivered?

A. Marked "D."

Q. This big "D" on the item, does that indicate delivery? A. Yes, sir.

Q. I call attention to the State House items here; do they all show delivery? A. No, sir.

Q. How is the rule? A. About half and half.

Q. What did this desk cost as per color entry there? A. \$44.

Mr. Corbin—Now, with regard to these color marks, and the alterations and changes in some of them, I desire to call the Committee's attention to sales book No. 9, page 996.

Q. Look at color marks on certain couches there sent to the State House; what do you find? A. I find here an entry on September 15th, 1891, "Two No. 107 leather couches, color 86 each; 12 No. 109 arm chairs, oak, color 231; and 12 No. 119 side chairs, oak, color 16 each."

Q. Now turn to sales book 10, page 574? A. I find in the transferred entry, to which this first entry refers, the charge for two No. 175 leather couches, and the color has been raised from 86 to 126.

Q. Look at sales book 10, page 429; any alteration of color there? A. I find, December 19th, 1891, folio 429, "8 No. 119 side chairs, color 128; one leather couch, color 86; one No. 487 top-side leather chair, screw and spring"; color has been altered

Q. In whose handwriting is that alteration of the color marks?
A. Party by the name of—

Q. Was that done before or after you left the house? A. The writing was done by no one who was in the employ of Mullins while I was there.

Q. You say you don't recognize it—it is the handwriting of some one who was not there when you left. A. Yes, sir.

Q. Look at pages 558 and 565? A. No. 558, "four No. 105 screw and spring office chairs, color \$54."

Q. Whose handwriting is the item in? A. Frank Mullins'.

Q. The entire item, or the color only? A. The entire item; well, the color looks like it had been filled in since.

Q. Turn to page 565? A. Yes, sir.

Q. Is there an item there? A. I find, "State House, Trenton, N. J., one special wardrobe, one pigeon-hole case, color 328," charged \$328; "one No. 55 oak table, 60x32, with drawers, color 90, \$90; one No. 3 four-foot table, leather top, color 34, \$34; for attorney-general one No. 3 five-foot table, leather top"; the color has been altered and made \$42, and then the price extended \$42

Q. In whose handwriting is that item? A. The alteration is in Mr. Moriarty's.

Q. The main item? A. The main item by a party by the name of Sullivan.

Q. Was he bookkeeper while you were there? A. Yes, sir.

Q. Refer to sales book No. 10, carpet item, page 377? A. "State House, Trenton, N. J., 210 yards 4057 Wilton carpet."

Q. There are several items corrected here, are there not? A. Yes, sir.

Q. Is there anything carried out in any of the items? A. One of them is carried out, \$443.50.

Q. Now, refer to the ledger, page 747, and see how you find it there? A. \$373.56.

Q. It doesn't correspond with the other at all? A. It does not.

Q. These other entries that you find on page 377? A. Yes, sir.

Q. Is there anything in the ledger to correspond with them? A. No, sir.

Q. Does the ledger agree with the sales book? A. It does not.

Q. Does the sales book agree with the bill? A. It does not.

Mr. Corbin—To illustrate a thing which I could illustrate a hundred times I will refer to bill 92, voucher 1558. If the Committee will lay that ledger and the

sales book and voucher side by side they will see they have no sort of relation to each other; although they are the same the prices differ, sometimes bigger and sometimes smaller; there is no sort of agreement between the two books; many of the items are blank in the sales book, others are filled out larger than posted; most of the items show evidence of erasure, rubbing or changing. It looks as if the State owed John Mullins & Co. something like \$48,000 at present; they are utterly unreliable and they cannot be made to agree, except in the certain items which have been rendered to the State. That voucher is "Exhibit No. 57," voucher for carpet. It is one of many.

Q. To show an instance or two of the color marks, and to show that these color marks do indicate the prices, refer to sales book 10, page 335. It will be seen that the color mark in those cases, the cost mark, as Mr. Murphy explains it, is exactly one-half what the State has paid. *A.* State House, Trenton, two four-foot desks, color 183.60, charge, \$183.60.

Mr. Corbin—That illustrates that the color mark is double the price, and the State is charged twice the cost.

Q. 574 is another illustration. *A.* State House, Trenton; I find here one No. 644 oak desk, closet, five boxes and hat-rack; it had been in my handwriting and I had some memorandum there; someone has gone over the books or gone over my writing and with a different ink prolonged my f's so as to obliterate any erasure.

Q. That is a page of transferred items, isn't it? *A.* Yes, sir.

Q. Show that to the Committee. (Witness did so.)

Senator Voorhees—Aren't you giving me a reference to a place where the figures and color are written out, as if that was the proper charge, written in ink?

Mr. Corbin—The color is in most cases the amount of the charge finally made. I think book 10, page 574, will give an instance.

Q. In these sales books is it the custom with all purchasers to put down the color mark on this book? *A.* No, sir.

Q. Do you know of any one else except the State and these names to which I have referred? *A.* Yes, sir; I remember it having been found in the account of Col. Heppenheimer, and Mr. Mullins gave orders for the salesmen, when the goods were sold, to mark the color down so that he could make the price.

Q. Do you remember any other instances in these sales books where the color marks occur, except in those two in Mr.

Heppenheimer's account or the State House? A. I guess I can find them in some other accounts than Col. Heppenheimer's that would be like Colonel Heppenheimer's.

Q. But it is the exception? A. Yes, sir.

Q. What is that color mark used for in the store? A. It is to guide the salesman.

Q. It is placed on the tag which is on the article. It is to guide the salesman in making his price, is it? A. Yes, sir.

Q. Look at page 594, account of the Board of Police Commissioners. Do you find the color mark there? A. I do; I find a charge—the color mark is there opposite their account; yes, sir.

Q. Refer, please, to page 626. A. Yes, sir.

Now, to show the way these books are kept, to give a single illustration of the utter unreliability of them, I will ask some questions.

Q. What do you find charged there to the State? A. I find charged "State House, Trenton, N. J., three Senate chairs, screw and spring, color 63, and burlaps, \$1.80."

Q. That 63 means they cost what? A. It means they cost \$31.50.

Q. Is this posted to some other place? A. Yes, sir; folio 772.

Q. Now, what do you find it carried forward there as? A. \$3.75.

Q. Now refer to the State House bill 2859.

Mr. Corbin—The Committee will see that in the sales book this is indicated as color 63, or costing \$31.50, besides a small item carried to the ledger is an item of \$3.75 charged to the State and paid for, \$54. There is absolutely no concordance between these in multitudes of these items.

Mr. Voorhees—Showing also, I think, that the pencil figures were put in afterwards.

Mr. Murphy—There is no extension at all in the sales book.

Senator Voorhees—It is carried into the ledger as \$3.75, evidently the amount from the top item.

Mr. Corbin—Now, I desire to call the Committee's attention to one other feature of these books. These items are all included in the bills to the State and paid for; there are no omissions there that I have yet discovered.

Q. Refer in sales book 19 to several items to which I will call your attention, to show that the State's items were not footed

when these books were footed up; these sales books were footed in ink at the bottom, but these State House item are not footed in? A. The footings are false as the books now have them.

Q. Page 655? A. Yes, sir.

Q. What do you find charged to the State there? A. I find a bill of goods amounting to \$286.40; that is the amount of the bill.

Q. Now refer to 673; that is not footed at the bottom, is it? A. Yes, this is footed; yes, sir.

Q. Is that one footed? Refer to 673: I have called your attention to that perhaps for another purpose; that is an instance I think of what the Chairman asked for of an ink entry. A. There is an ink entry of \$21 of all the items, the footing carried out in pencil.

Q. Now, turn to page 673 of the same ledger? A. State House, Trenton, N. J. It is the same thing; the amounts are carried out.

Q. The items are in ink, the footing, unlike the others, carried out in pencil. Does it appear in the footing? A. No, sir.

Q. (By Mr. Voorhees)—Are they carried out in ink? A. Yes, sir; it is carried out.

Q. State House item there 47? A. Yes, sir.

Q. Is that carried out in ink? A. It is carried out in the first column in ink, yes, sir.

Q. Second column how? A. Blank.

Q. Does it appear in the footings? A. No, sir.

Q. Page 690, item \$170.30? A. Same thing carried out in ink.

Q. In the first column, but not in the footing? A. Not in the footing.

Q. Refer to page 772 of that same book, item of carpets, \$7,368, the date is March, 1892? A. That is folio No. 700 of the sales book No. 10.

Q. There is another page charged to the State House, what does it foot up? A. The total footing is \$7,368.22.

Q. That is carpet for the House of Assembly, voucher No. 1557, furnishing the Assembly Chamber. The bill was made out to the State and approved by B. J. Ford, Superintendent, March 1, 1892, Leon Abbett, Governor, for \$6,556.02. See if you can make it agree with anything that is on the book. Here is a page of items. Do the figures agree in quantity or price? A. Well, the price per yard agrees.

Q. The total of the bill doesn't agree, does it? A. It does not.

Q. The items are entered up in an entirely different way, are they not? A. Yes, sir.

Q. Can you verify one by the other at all? A. No, sir.

Senator Skirm—What is the difference in that bill?

Mr. Corbin—Can't trace it at all; they are about the same sum, but there is no other agreement between them; you can't make them harmonize; it may be the same carpet and it may be something else; the bills do not appear to have been made up from the books; I don't know how they are made up; in many instances don't appear to have been made up at all from the books.

Q. (By Senator Skirm)—Does that bill show the price of the carpet? A. Yes, sir.

Q. (By Senator Skirm)—How much? A. \$2.30 made and laid.

Mr. Corbin—In this particular case there was a bid from Mr. Mullins' firm for \$2.15 per yard for the carpet and 15 cents for the laying, making \$2.30.

Senator Voorhees—I understand in the other contract three dollars was charged for the same quality of carpet.

Mr. Corbin—Yes, sir; there was no contract, I think, in that case.

Q. Refer to sales book 10, 379.

Mr. Corbin—I desire to show how recklessly the prices were made; this is on linoleum—the different prices that are charged to the State House, — yards of border linoleum, and then transferred to folio 550.

Go to 550. What is the price?

A. The linoleum is charged there at \$1.50 a yard.

Q. Does this first entry have any quantity? A. No, sir.

Q. And this one has? A. Yes, sir.

Q. It goes to the ledger in what page? A. It goes to ledger page 747.

Q. What did you say the price was here? A. \$1.50 a yard.

Q. Now refer to other charges here. I think you will find them right along here at a dollar a yard for the same. Find some private buyers, right along at the same time and see what they paid; it was book 10, 379 and 550.

(Witness made search and could not find any.)

Mr. Corbin—I call the attention of the Committee with reference to these bills to the State for linoleum, part of them \$1 and part of them \$1.50, and I was

going to refer to the other items to private individuals, which I think will show 90 cents.

A. I have got a credit to the Police Commissioners for linoleum, laid, which is that linoleum with color, laid, all the way through, and which is twice as dear as the other; they get twice the price for it; it is charged at \$1.88.

Q. Refer to your sales book 10, page 541. A. I find there an entry, State House, State of New Jersey, by way of express 123 yards of 4057 Wilton carpet made and laid \$2.30; 86½ yards border, made and laid, same price.

Q. The prices are all down here, are they not? A. Yes, sir.

Q. Anything carried out? A. No, sir.

Q. Now refer to the old ledger, 747, and see what is charged against this at that date; merchandise that date and that page? A. \$284.05.

Q. If that was properly extended what would that item amount to, did you figure it up? A. \$2,738 and odd cents.

Q. In other words, the entry in the ledger gives no clue to anything on this sales book? A. Absolutely none.

Q. On this ledger is this in pencil? A. Yes, sir.

Q. (Mr. Corbin to Mr. Mullins)—Mr. Mullins, the ledger we want is, first, the continuation of these two ledgers down to the present time; it will doubtless be endorsed "Private Ledger." The other is a ledger which the witness described as personal ledger that has an account with the First National Bank, not canvas covered. See if you can find them.

Mr. Mullins—I will.

Chairman Voorhees—Judge Hoffman, who appears for Mr. Mullins, says that they are perfectly willing to produce that book if we can sufficiently describe it. Does Mr. Mullins understand the book that we want?

Mr. Mullins—I do not, sir; I understand that it is about the size of that, but not canvas on it.

Q. (By Senator Skirm to Mr. Mullins)—Allow me to ask Mr. Mullins; doesn't your bookkeeper know your personal accounts just as clearly as any other bookkeeper? A. (By Mr. Mullins) I suppose so.

Sentor Skirm—Yes; therefore you will simply tell him that you want your personal ledger and he will know what you mean; he will know, if you don't.

Mr. Mullins—Yes, sir.

Mr. Corbin—There is another ledger which I want which is a continuation of that series. Those two ledgers look very much alike and they are marked

“Private Ledger,” but they don’t bring the accounts down to the present time; the other one is a personal ledger.

Judge Hoffman—If you will let me know what you want we will get them.

Senator Voorhees—You cannot certainly misapprehend the book we want.

Mr. Corbin—I think it is understood now.

Q. Refer to page 565, there are one or two more in this book?

A. State House, Trenton.

Q. What have you got there, anything carried out? A. Well, I have a few items carried out.

Q. Refer to page 747 of the ledger and see how it is there. Now, on your sales book, part of the items are carried out and part not, aren’t they? A. Yes, sir.

Q. How is it on the ledger? A. Well, he has the amounts carried out here in the ledger, \$453, \$494 and \$192.

Q. All on that page? A. All on that page; most of them carried out, and the ledger shows—the sales book shows only \$494 and \$192.

Q. And is this sales book marked as properly posted in the ledger? A. Yes, sir; it has been properly posted.

Q. The postings in the ledger are in pencil; the carrying out of the amounts are in pencil? A. The amounts are in the ledger in pencil.

Mr. Corbin—I think the Committee’s attention was called to that the other day; in the ledger the carrying out of that book is all in ink with the exception of those in pencil or else in blank; the rest of the page, from the word merchandise, is all in ink.

Q. One other item; that is the matter of carpet linings. Look at sales book 10, page 577. This item is under the head of ventilating Senate Chamber. A. I find on folio 577, book 10—

Q. What are the carpet linings charged at? A. Carpet linings are charged at, some instances 10, some 12 and some 12½.

Q. What do they charge private individuals on the opposite page. Look at Farrell’s account. A. Six cents.

Mr. Mullins—So the Senate won’t misconstrue the construction, there are four different qualities of the article.

Senator Voorhees—And they vary about half a cent apiece.

Q. What is the entry to the State? A. The State entry is two

rolls, No. 358 Wilton, 47½ and 47 yards, and 1,200 yards carpet lining.

Q. How much? A. Ten cents a yard.

Q. What is on the other side? A. Twenty-nine yards felt lining, six cents a yard.

Q. What is the difference in the price? A. Four cents—you mean the wholesale price?

Q. What is the difference in it? A. I don't know as there is any difference in price.

Senator Voorhees—A fraction of a cent?

A. If that was what he alludes to as the better grade, a fraction of a cent.

Q. (By Senator Skirm)—Do I understand Mr. Murphy to say that that charged at 6 is a better quality than that charged at 10?

A. No, it is just as good. One is supposed to be moth-proof, and the other breeds moths; I believe this is a cotton lining underneath here, and that will breed moths.

Senator Skirm—I submit, Mr. Chairman, this ledger runs up, and the account is marked transferred to the new ledger, to such a page, and the ledger that the Committee want is the ledger now in use, and the bookkeeper certainly knows what we want, and all they have got to do is to telephone and get it here.

Mr. Mullins—I haven't any bookkeeper at present; I have only two boys.

Mr. Corbin—Who has charge of the books?

Mr. Mullins—I have only two boys now.

Chairman Voorhees—If they are bright boys, such as Mr. Mullins keeps, I think they can find them.

Mr. Mullins (indicating Mr. Murphy)—This seems to be a bright boy, and he kept the books to suit himself.

Mr. Murphy—I kept them to suit you and Moriarty.

Chairman Voorhees—Those reflections, in view of the statements that have been made and corroborated and proved by the books, will have no effect; you cannot get away from those books.

What is the pleasure of the Committee with reference to the production of the books that were plainly called for in that subpoena? Mr. Mullins had it explained to him just exactly the ledger that we wanted, and any person of ordinary intelligence certainly would not have made a mistake; to-day he comes here and hasn't them. There is a law, Mr. Mullins, did you know, introduced at this Legislature and approved by the Governor on

the 5th of March, which said that any witness who knowingly and willfully violated the demands of the subpoena made himself liable to indictment of a misdemeanor?

Mr. Mullins—Yes, sir.

Chairman Voorhees—In view of that fact, if I were you I would exhaust every remedy in my power to produce those books here by half-past one—no, that is hardly fair to you, half-past one—this afternoon.

Senator Skirm—All they have got to do is to send a messenger for those books. It is important for this Committee to have them, to continue this investigation.

Mr. Corbin—I would like to have the Committee's order include those four checks.

Mr. Mullins—I don't know anything about them.

Senator Voorhees—It is very mysterious that those checks would disappear when we have hundreds and thousands of others here.

Mr. Mullins—Those checks must have come just as they came from the bank.

Senator Voorhees—They must have been taken out, Mr. Mullins.

Mr. Mullins—If they was, I didn't take them out.

Senator Voorhees—They are missing, and it is a very suspicious circumstance, to say the least, that when this Committee wants four checks they are missing.

Mr. Mullins—I see it; I understand that; I see the gravity of it myself.

Senator Voorhees—As a good business man, and a man who values his reputation, Mr. Mullins, you ought to aid this Committee.

Mr. Mullins—I am, in all that I possibly can. I brought the books, at first, all that I supposed that Mr. Corbin told me to bring; I produced ledgers, bank books and vouchers; I got the subpoena half-past nine at night; I had to be here at twelve o'clock next day; I come down, and I looked and I brought every book that I supposed—

Chairman Voorhees—You are entitled to credit for having so promptly responded to the subpoena, but it is very unfortunate that the very book of all books that we wanted, those who prepared the books for you neglected to send along.

Mr. Mullins—All that I can answer you is that that book—by what I could find out from Mr. Murphy's remark the other day, that book is kept in the inner safe, and Mr. Moriarty has the combination of that.

Mr. Murphy—I never said so.

Mr. Voorhees—That doesn't appear in the evidence. There is a statement that these were kept in the vaults in the safe; as a matter of fact, they were not in the vaults when those books were cut.

Mr. Mullins—I was mistaken in that.

Chairman Voorhees—What is the pleasure of the Committee as to the production of this ledger and these missing checks.

Senator Daly—How long have these checks been in the possession of the Committee, all these checks?

Mr. Mullins—Since the time you told me to bring them here, last Friday morning.

Senator Daly—You delivered all the checks over then?

Mr. Mullins—I did, sir; all that I knew of.

Senator Daly—You haven't had any control over the checks since, either directly or indirectly?

Mr. Mullins—I have had no control over them either before or after.

Chairman Voorhees—Now, that no insinuations may rest upon Mr. Murphy, the witness, it is but fair to state that those checks have not been examined by any one, except in the presence of two others. Two of those men, Mr. Mullins, we have confidence in, and it is not fair that one of this Committee should, by innuendo, seek to lead the Committee to infer that Mr. Murphy had made away with the checks that we have been seeking for, and which he has asked us to have produced.

Senator Daly—I ask Mr. Corbin who has had charge of these checks?

Mr. Corbin—The Clerk of the Committee and Captain Graham, and a special watchman over night. They were not examined until yesterday.

Senator Daly—Who examined the checks?

Mr. Corbin—I, personally, some of them; the Clerk and Mr. Murphy together.

Chairman Voorhees—I went over the checks with Mr. Murphy yesterday afternoon.

Senator Daly—I don't insinuate; I only, as a lawyer, suggest that they have gone through a great many hands.

Senator Voorhees—The only hands they have gone through, except those named by Mr. Corbin, are the counsel for Mr. Mullins himself, and we might just as well impugn to that gentleman that he had stolen the four checks.

What is the pleasure of the Committee?

Senator Skirm—I would suggest that Mr. Mullins be required to produce these two ledgers—the one ledger that is the key of the situation, this afternoon; he knows and his men know, evidently, or any bookkeeper knows, the ledger that we want.

Senator Ketcham—I second that motion, and move that we use all the power in our possession to find these books at once.

Senator Daly—Mr. Mullins, you have no objection to producing these books?

Mr. Mullins—I have not.

Senator Skirm—But he has not produced them.

Senator Daly—The ledger that you have in use in the store and your own personal ledger with your personal account?

Mr. Mullins—I don't use it at all.

Senator Skirm—Your bookkeeper does.

Mr. Mullins—I don't know whether he does or not.

Chairman Voorhees—We understand, Mr. Mullins, in the vast business you transact you cannot bother with little matters of bookkeeping.

Senator Skirm—But you watch them nevertheless.

Mr. Mullins—Would Mr. Corbin or Mr. Murphy show me what stubs of the checks you want.

Chairman Voorhees—It is the pleasure of the Committee, Mr. Mullins, and they direct me as their chairman, to require you to produce those books here this afternoon.

Mr. Mullins—Shall I start off after them.

Senator Skirm—No, sir; telegraph or telephone, and you can get them, sir.

Mr. Mullins—Have I got a personal ledger with no canvas on it?

Chairman Voorhees—Mr. Murphy, can you describe the book you want?

Mr. Murphy—It is the book which went into use when the partnership was commenced, and it shows the amount of money which Mr. Mullins had in the firm and the amount which Mr. Moriarity had in the firm; and aside from that, the personal ledger that is wanted is the ledger in which I see Mr. Sullivan had transferred from this last one to here on Mr. Dickinson's account to "See new ledger, page 117;" that is the continuation of this. Mr. Sullivan is the bookkeeper, and a good bookkeeper; he will know what is meant.

Mr. Mullins—Such a thing as Mr. Moriarity ever having a dollar in the concern never happened, so that I don't believe there is any such ledger in existence. (Addressing Mr. Murphy)—You say that Mr. Sullivan will know which it is?

Mr. Murphy—Mr. Sullivan carried it forward to that book.

Chairman Voorhees—Then you will try to get those books here by telegraph or telephone?

Mr. Mullins—Yes, sir.

Senator Skirm—By telegraph or telephone?

Mr. Mullins—Yes, sir.

Chairman Voorhees—Any expense attending this you will understand the State will make good to you.

Mr. Corbin—I desire to take up a little different phase of those same accounts which will appear by the checks and check books. And first I will ask this witness to refer to check stub No. 9521.

Q. I show you stub of check book produced by Mr. Mullins, No. 9521; in whose handwriting is the stub? A. In Mr. Moriarity's.

Q. I will read the stub. "July 19, 1890, cash, \$239;" figures carried out, "\$239, Ford."

Mr. Corbin—I now desire to draw the attention of the Committee to voucher No. 1800, of March, 1890, being "Exhibit 51," being a State House bill paid to Mullins & Company, of \$2,391.52. It will be observed that the check to which I have called attention is exactly 10 per cent. of this amount, rejecting the \$1.52, and I will ask the Committee to bear in mind the \$1.52.

Senator Skirm—Do I understand that the name "Ford" appears in this handwriting?

Q. In whose handwriting is the word Ford? A. Mr. Moriarity's.

Senator Ketcham—Have you the stubs of the four checks that are missing?

Mr. Corbin—Yes, sir.

Q. In whose handwriting is the body of the check? A. In Mr. Moriarty's.

Q. In whose handwriting is the signature, John Mullins? A. John Mullins'.

Check offered in evidence and marked "Exhibit 92."

Senator Voorhees—It is payable to cash.

Mr. Corbin—It is payable to cash, and bears no endorsement, but it is cut as being paid.

Q. Refer, Mr. Murphy, to stub check No. 10148, dated March 23, 1891? A. I find it is a check drawn to the credit of Mullins & Co., \$200, and marked "F. F."

Q. In whose handwriting is the stub? A. Mr. Moriarty's.

Q. In whose handwriting are the F's? A. Mr. Moriarty's.

Q. Find the check?

Mr. Corbin—And while he is finding the check, will you please refer to the ledger account to the State House? A. Yes, sir.

Q. Have you it there; refer to the ledger, 402? A. Yes, sir.

Q. About the middle of the page I find a dash under certain charges, and the words "to here." Who wrote that? A. Mr. Moriarty.

Mr. Corbin—Now, if the Committee will look at this page of the ledger, they will see that the next bill paid by the State, after the one to which I have referred, is \$1,740; it is voucher 2855, of June, 1890. If the Committee will suffer me to draw their attention to that, to the \$1,740 paid by the State, if you will kindly put that down and add it to the \$1.52 which we found above, on which no 10 per cent. seems to have been checked yet, and if you will add the items down to here, you will find they are \$334; add those altogether; the total is \$2,075.52; now, rejecting the fractions of \$75.52, you will find the check that I have just offered in evidence is 10 per cent. of the balance; here is the \$1,740 voucher paid. The Committee will still bear in mind the fraction on which there is no commission paid. This check, if the Committee please, is No. 10148, endorsed "Mullins & Company, D. M.; John Mullins, per D. M."

Q. Whose endorsement is that? A. Mr. Moriarty's; both endorsements.

Q. And the check cut as paid? A. Yes, sir.

Check and stub offered in evidence, the stub marked "Exhibit 94," and the check "Exhibit 95."

Mr. Corbin—The next account paid by the State is \$991, and I think the Committee may well have the ledger before them, folio 402; but out of that \$991 that was paid, the Committee will please bear in mind that \$334 has already been footed in down here; take that out of \$991 and the balance is \$657. Now, if the Committee will, kindly put down the fraction we had, \$75.52 first, then \$657. The next bill paid by the State was \$645.75, which is the voucher of May 21, No. 2629. Now, turn forward in the ledger—Mr. Murphy, will you show the next entry, pencil entry, that is erased in the ledger?—the Committee will see that there is a pencil erasure something like the entry "to here," shown before; you will see that there is \$200 more there to be added down to there, with the entries just \$200; kindly add that \$200 to what you have on the paper. The total, I make it, is \$1,578.27.

Q. Will the witness kindly refer to check No. 10,346, or the stub first? A. Yes, sir.

Q. In whose handwriting is the stub? A. In Mr. Moriarty's.

Q. In whose handwriting are these letters "Fo?" A. Mr. Moriarity's.

Q. Stub reads, then? A. "10,346, June 6, 1891, John Mullins, \$158, Fo."

Q. Find the check.

Mr. Corbin—I draw the attention of the Committee to the fact that that check is exactly 10 per cent. of the amount due from the State down to this date, all but 17 and a fraction cents.

I am sorry that I am unable to pursue the line of this investigation further because of the missing pages in the ledger which have the larger items in.

The stub last referred to is marked "Exhibit 96" and check "97."

Q. In whose handwriting is the body of it? A. In the writing of Mr. Moriarity.

Q. Whose is the signature of John Mullins? A. Both places by John Mullins.

Q. And the endorsement by John Mullins? A. Yes, sir.

Q. Please refer to the stub of the check, 11,324? A. Yes, sir.

Q. In whose handwriting is the stub? A. Mr. Moriarty's.

Q. I read from the stub 11,324: "June 11, 1892, John Mullins, \$1,500," carried out \$1,500, and with a very palpable erasure, which I would like to have the Committee examine. Is that check here?

Mr. Corbin—I offer in evidence the stub to which I have just called attention, also the check, marked "Exhibit 98 and 99."

Q. In whose handwriting is the body of the check? A. Mr. Moriarty.

Q. Who signed and endorsed it? A. Mr. Mullins.

Q. The check is to the order of Mr. John Mullins, \$1,500, June 11, 1892.

Mr. Corbin—Just previous to that date and about June 3, 1892, and on a few previous dates also, a large number of bills were paid to Mr. Mullins by the State. 1090 voucher, January, 1892, \$141.38; voucher 1406, February, 1892, State House expense, and this second voucher 1406, \$1,623.49; 1558, March, 1892, State House expense, \$1,739.41; voucher 2859, June, 1892, State House expense, \$3,970.29; voucher 3860, same day, State House expense, \$627.06; voucher 1557, first item, March, 1892, for furnishing Assembly Chamber, \$6,456.02; voucher 2861, June, 1892, furnishing Assembly Chamber, \$3,615.43. Then, to another account, 1148, February, 1892, furnishing new Capitol, \$2,758.30, and finally 2862, June, 1892, furnishing new Capitol, \$630.69. Total of those payments, made within a very brief period, \$21,562.07.

These items necessarily cease at this point because the pages are gone out of the ledger to which the account was carried.

These three items that I have called attention to are consecutive; they are on the occasion of three consecutive payments by the State.

I call the attention of the Committee to the stub-check 11,105, dated March 23, 1892, to John Mullins & Co., \$300, which has an erasure and a blot so extraordinary that I would like to have them examined by the Committee, and they can judge better than I whether it is also recent. That check is missing.

Q. Look at that, witness, and say whose handwriting is on the stub? A. That is Mr. Moriarty's.

Mr. Corbin—The stubs of the other missing checks, I

think, will be found there if the Committee would like to see them. The next number is 11,172.

Senator Voorhees—Mr. Daly asks where is the check corresponding to stub 11,105.

Mr. Corbin—I wish I knew; I don't know; these are the missing checks; 11,093 is another.

Senator Voorhees—11,105, one of the missing checks, \$300; 11,172, missing check, payable to the order of John Mullins, \$5,000, and 11,093, John Mullins & Co., \$900. These checks, I understand, Mr. Corbin, the numbers we have just mentioned, are missing?

Mr. Corbin—Those are missing.

Senator Daly—Mr. Corbin, do I understand that that \$1,500 was one of the missing checks, alleged to be missing?

Mr. Corbin—I think not.

Senator Daly—What are the missing checks?

Mr. Corbin—The missing checks are 11,105, 11,172, 11,093 and 12,143. I think the last one is a canceled check; the stub shows it; that is not important; but there is one there that is missing that I did not summon Mr. Mullins to bring, which has been referred to here. That is 11,041, \$900. The others are in the subpoena.

Recess.

LOUIS H. MCKEE, sworn.

Direct examination by MR. CORBIN.

Q. Where do you reside? A. Trenton.

Q. What is your business? A. I am the manager of the New Jersey School and Church Furniture Company.

Q. How long have you been manager of that company? A. About 8 years.

Q. How long have you been in the furniture business? A. Over twenty years.

Q. Manufacturing furniture? A. Yes, sir.

Q. And selling? A. Yes, sir.

Q. Have you made an examination of the furniture in the State House at the present time? A. I have.

Q. And have you made an estimate of the value of it; that is, what it could be purchased for? A. A good part of it, yes, sir.

Q. What is the furniture in the State House—is it specially made furniture or is it what is called stock furniture, which can be bought from catalogues? A. I find many of the desks

regular make, stock make—of course there are a few special make articles.

Q. This President's desk, for instance, in the Senate, that, I suppose, is a special make? *A.* Yes, sir.

Q. But is not a greater part of all the furniture stock make goods? *A.* It is, yes, sir.

Q. And such furniture as you can find pictured in these publisher's catalogues of furniture? *A.* Yes, sir.

Q. And with trade discounts and all that? *A.* Yes, sir.

Q. Now I hand you a copy of the bills of Mullins & Co. against the State, which you have in your hands. I have copied all the bills in this typewritten copy, which is much more convenient for the witness' use than the original bills, but it is a verified copy of the original bills. Will you refer to that as I draw your attention to the different items. Take the bill approved February 10th, 1891, for example. The first item upon it is an oak desk, Leon Abbett, Jr., \$100. What can that be bought for at retail? *A.* \$45.

Q. After that a chair, \$18; how much? *A.* \$10.50.

Q. There are a good many of those \$18 chairs in the State House, are there not? *A.* Yes, sir.

Q. Do you see one here like it; can you show us what those are? *A.* I think you will find one in the back room; they are a cane bottom, high back.

Q. Without waiting for the chair, what can they be bought for at retail, by the one? *A.* \$10.50.

Q. The next is an oak desk for the Dairy Commissioner, \$90; what can that be bought for at retail? *A.* \$40.

Q. An oak desk in Prof. Smock's office, \$85; what can you buy that for? *A.* \$35.

Q. In the Clerk in Chancery's office two chairs at \$36? *A.* \$10.50 apiece; \$21.

Q. In the Attorney-General's office, Mr. Johnson's oak desk, \$90; what can you buy that for? *A.* \$45.

Q. And his chair for \$18? *A.* \$10.50.

Q. These \$18 chairs which go with these desks are all alike? *A.* Yes, sir.

Q. Is that one of them that we see in the background here? *A.* Yes, sir.

Q. Have you got it on the catalogue here? *A.* Yes, sir.

Q. That is the identical article, is it? *A.* Yes, sir.

Q. The oak desk for the President of the Senate, \$95; what can you buy that for at retail? *A.* \$38.

Q. And the oak desk for the Secretary of the Senate at \$80; what can you buy that for? A. \$40.

Q. These prices you are giving me are what you would sell them for to a retail purchaser, are they? A. Yes, sir.

Q. Take the bill which was marked "correct," June 2d, 1890; the first item on it, a desk for the Superintendent of the State House, \$85; what might that be bought for? A. \$35.

Q. Sixteen chairs in the Supreme Court room, \$18 apiece; what can you buy them for? A. 10.50.

Q. A desk for the Speaker of the House, \$110; what can you buy the Speaker's desk for? A. \$55.

Q. That is the retail price of it, is it? A. Yes, sir.

Q. Two couches for the Executive Chamber, \$170; what is the retail price of those? A. \$55 apiece.

Q. \$110 for the two? A. Yes, sir.

Q. Four revolving book-cases in the court-rooms, charged \$140; what is the retail price of those? A. \$20 apiece, \$80.

Q. A desk in the Commissioner of Banking and Insurance office for \$110; what is the retail price of that? A. \$45.

Q. Five oak office chairs in the Treasurer's office, \$150; what is the retail price of those? A. \$16.66.

Q. That is \$83 for the whole? A. Yes, sir.

Q. Two Senate chairs in the Comptroller's office, \$42; what is the price of those? A. \$21.

Q. Six oak arm leather chairs in the Treasurer's office, \$138; what is the price of those? A. \$14 apiece.

Q. About \$84 for all? A. \$84 for all.

Mr. Corbin—Without going into every item, I will submit this paper, with the Committee's consent. I will call attention to a few more items.

Q. Four special desks, with closed backs, in the Treasurer's office, \$384; what are they worth? A. \$40 each.

Q. \$160 for all? A. Yes, sir.

Q. A wardrobe, 3 feet 6 by 7 feet, in the Treasurer's office, \$140; what is that? A. That is special; I have made it at \$75.

Q. Is that a fair retail price for it? A. Yes, sir.

Q. One book-case, 4 feet by 7, in the Treasurer's office? A. That is also special; I have placed it at \$70.

Q. A special desk, with a roll-top, in the Comptroller's office, \$112; what would be a fair price for that? A. \$55.

Q. And the next item, special desk with a closed back for Comptroller's office at \$96? A. \$45.

Q. And a chair in the Treasurer's office at \$44; what is a fair price for that? A. \$22.

Q. Retail? *A.* Yes, sir.

Q. Next item, roll-top desk in the Treasurer's office, \$120; what is a fair price for that? *A.* \$50.

Q. Do you find in the State House all the furniture mentioned in these bills? *A.* No.

Q. For instance, in the Assembly Chamber and committee rooms; how many roll-top desks do you find charged here to the Assembly and committee rooms? *A.* The Assembly, twelve roll-top, and I find six.

Q. There are twelve charged and you find six now there? *A.* Yes, sir; those are roll-top desks.

Q. Four oak wardrobes in the Supreme Court room, charged at \$600, marked "Special"; what do you estimate a fair retail price for making those? *A.* \$400.

Q. And sixteen arm chairs for the judges at \$368; what do you estimate for them? *A.* \$16 each—\$256.

Q. Look at the bill approved May 31st, 1892, the second item in it: flat-top desk, leather top, for Clerk's room of the House of Assembly, \$96; what could that be bought for? *A.* \$40.

Q. And the next item, another table for the Clerk's room of the Assembly, \$60? *A.* \$30.

Q. An oak table, 10 feet by 37 inches, Journal Clerk of the House, \$100; what could that be bought for? *A.* \$50 for it; \$5 a foot.

Q. Those plain tables, they are of different lengths, about here; how do they come, by the lineal foot, or how? *A.* By the lineal foot.

Q. Is there anything particularly expensive or difficult about them? *A.* No.

Q. Two flat-top desks, leather top, 4 feet 6 by 33 inches, engrossing room, \$192; what do you estimate the value of those? *A.* \$80 for the two.

Q. An oak roll-top desk in the engrossing room of the House of Assembly, \$136; what is the value of that? *A.* \$48.

Q. These figures that you are giving us, do they allow reasonable margins of profit for the dealer? *A.* They are what you can go into a furniture store and buy them at.

Q. Buy one at a time? *A.* Single one; that is the basis I worked on.

Q. An oak-top cloth 6-foot table in the engrossing-bills room, \$60; what is the value of that? *A.* \$30.

Q. Next, one screw table, judiciary room, \$60; what is the value of that? *A.* \$27.

Q. An oak roll-top desk in the postmaster's room, House of Assembly, \$100, plain oak? A. The one that is there I have placed it at \$25; it might not be the same one; it is a very inferior desk; it is barely worth \$25.

Q. An oak roll-top desk in the Sergeant-at-Arms room of the House of Assembly, \$85? A. \$40.

Q. An oak revolving chair for the Sergeant-at-Arms to sit in, \$8? A. \$3.75.

Q. Four dozen Pages' chairs, \$120; what is the price for them? A. \$18 a dozen.

Q. Amounting to? A. Well, I have added something there for cloth tops, amounting to \$88.88.

Q. And a large blue plush chair for the Speaker, \$70; what is the value of that? A. \$35.

Q. A 4-foot-6 desk, Attorney-General's office, \$80? A. \$15.

Q. A desk in the branch court of the Supreme Court, 9 feet by 2-foot-3, at \$250? that is specially made? A. Yes, sir; specially made, \$120.

Q. An oak table, leather top, 5-foot by 2-foot-9, in the Banking and Insurance room, \$120; what is the value of that? A. \$40.

Q. An oak, leather-top desk, 4 feet 6 by 2 feet 9, in the Banking and Insurance room, \$96. A. \$35.

Q. Oak table, cloth top, 10 foot by 3½, Banking and Insurance, \$150; what is the value of that? A. \$60.

Q. Seven small oak chairs, without arms, red leather, Banking and Insurance, down at \$112; what is a fair value of those? A. \$84.

Q. Four oak revolving chairs, slat backs, leather top, &c., Banking and Insurance, \$72; what is the value? A. \$24.

Q. Eleven oak arm chairs in the Attorney General's office, \$253; what do you estimate those at? A. \$176.

Q. An oak wardrobe, front pigeon holes and leather, \$328, in the Attorney-General's office? A. Special, \$185.

Q. And the next item, three oak desks, roll-top, 5 feet by 2 foot 8, in the Superintendent of Instruction's department, \$360; how much? A. \$135.

Q. An oak roll-top desk in the Superintendent of Public Instruction's department, \$120? A. \$40.

Q. An oak wardrobe, Superintendent's office, \$150: how much is that worth? A. \$70.

Mr. Corbin—I won't go over every item.

Senator Voorhees—I think it is safe to state that the

State as a purchaser paid about twice as much as an individual would pay for them.

Q. The Quartermaster-General's desk, \$95; what is that worth? *A.* \$60.

Q. That is a better one, then, than the most of them? *A.* Yes, I think it is walnut.

Q. A desk for the Governor, \$160? *A.* \$100; that is a special desk; it has carved panels.

Q. Six oak, leather chairs for the Private Secretary of the Governor, \$128? *A.* \$64.

Q. A 4½-foot, roll-top desk for the Superintendent of Banks and Insurance, charged \$90; what is the value? *A.* \$40.

Senator Voorhees—Then I was right the other day when I said I hadn't seen a \$100 desk around these premises.

Witness—Yes.

Q. A chair for the President of the Senate; what is the value of that? *A.* \$35.

Q. Two roll-top desks for the President of the Senate, \$200; what is the value? *A.* \$100.

Q. Two hand-carved desks for the use of the President and Clerk of the Senate; those are the ones we see here; they are charged at \$800; what is a fair price, giving a fair margin of profit to the man that makes them? *A.* \$425 for both of them.

Q. A wardrobe for the Secretary of the Senate, \$35? *A.* \$20.

Q. A roll-top desk for the Private Secretary of the Senate, \$85; what is the value of that? *A.* \$35.

Q. A table, 10 feet by 3½, Insurance office at \$90; what is the value of that? *A.* \$46.25.

Q. Is that one of those tables that go by so much a foot? *A.* Yes, sir.

Q. A flat top table, Insurance office at \$40; what is the value of that? *A.* \$18.

Q. A 5-foot roll top desk for the Assistant Secretary of the Senate, \$85? *A.* \$35.

Q. And another one for the Engrossing Clerk of the Senate, \$85? *A.* \$35.

Q. Two flat top desks charged to the Engrossing Clerk of the Senate \$160; what do you value those? *A.* \$80.

Q. And two tables for the two committee rooms at \$80? *A.* \$40.

Q. That is in these little side rooms? *A.* Yes, sir.

Q. A double oak standing desk in the Labor Bureau, \$65? *A.* \$35.

Senator Voorhees—I would like to know what the Custodian of this building is for?

Mr. Corbin—I suppose to guard this valuable furniture.

Senator Voorhees—That is about all, and see that his friends put it in at about twice the price anyone else would pay for it.

Q. In another bill in the Comptroller's office—

Senator Voorhees—Doesn't this bond that is filed by the Custodian require that he shall honestly dispose of the money and discharge the duties of his office.

Mr. Corbin—There is no bond required of the Custodian, but the Superintendent under the former acts gave a bond for \$5,000, conditioned to faithfully and honestly perform the duties of his office.

Senator Voorhees—I should think his bondsmen would be interested in this.

Senator Skirm—That is a very small amount considering the amount the State has been robbed of; he has got about 10 per cent. and the contractor has about 90.

Q. In the Comptroller's office, a flat top desk, 6 feet by 3, \$250; what is the value of that desk? A. \$125.

Q. That is special made? A. Yes; it is very similar to the Governor's desk, with a little more work on it.

Q. And for the same Comptroller's office, an oak wardrobe with a glass front at \$150; what is the value of that? A. \$60.

Q. An oak book-case for the Adjutant-General's office, \$90? A. \$40.

Q. Then in the restaurant, 4 dozen oak Vienna chairs, \$144; what is the value? A. \$72.

Q. 16 desks for the judges again, \$925? A. \$475.

Q. They sit in a row, one desk or two? A. Yes, sir.

Q. They are not separate desks? A. They are continuous desks, and they are plain, very simple in style.

Q. Two flat top desks in the Supreme Court room at \$100; what are they worth? A. \$56.

Q. Two 12-foot tables with drawers; what are they worth? A. \$144.

Q. Same place, tables \$200? A. \$120.

A. An oak table 10 feet long in the branch room, charged \$100? A. \$60.

Q. That is the one the lawyers sit at? A. Yes, sir.

Q. In the Court of Chancery, the Chancellor's room, five oak

desks, charged at \$275; is that a continuous desk again? A. Yes, sir.

Q. What are they worth? A. \$145.

Q. Two flat top desks, \$100. A. \$56.

Q. Two oak tables, 12 feet long, \$250. A. \$120.

Q. Four oak tables in the Chancellor's room, 10 feet long, charged \$400; what are they worth? A. \$200.

Senator Voorhees—Does it any where appear why it was necessary to take out the furniture and substitute this in the place of it?

Mr. Corbin—No, sir; it doesn't appear; it has been publicly stated that it was done against the protest of those who use those rooms, and I know, so far as the members of the bar are concerned, there was a very general surprise at the removal of better furniture and the substitution of oak, which is cheaper in appearance and cheaper in cost.

Senator Ketcham—Can you look up and find where this was sold?

Mr. Corbin—There was some public auctions of furniture here; the entire amount that realized for all that was in the State House, is, I think, a matter of \$2,000 or \$3,000; sales were made during the three years when these purchases were going on; I think everything was sold, practically, from one end to the other.

Q. 192 oak arm chairs made to order for the court rooms and Chancery, charged at \$1,344? A. \$864.

Q. You put them at how much apiece? A. \$4.50.

Q. That is a fair price for them, is it? A. Yes, sir.

Q. And a 13-foot table in the Supreme Court room, charged \$130; what is that worth? A. \$75.

Q. A 4-foot-6 roll top desk for the revision of laws committee, \$85? A. 35.

Q. Would you be willing in your business to sell these goods—to supply such goods to any purchaser at the prices you have mentioned? A. We have done so.

Q. Would you be willing to do so now? A. Yes, sir.

Q. Would there be left for your company a fair margin of profit? A. Satisfactory; yes, sir.

Q. Have you your catalogues there showing this furniture? A. Yes, sir. (Witness produces catalogue.)

Q. Show us the kinds of furniture that you find in the State House published here in the stock catalogues. A. This is the court-room chair. (Indicating.)

Q. What was that charged at? A. \$7.

Q. Now, where is the \$18 roll chair? A. That is the one.

Q. There are a great many of those in the State House? A. Yes, sir.

Q. That is the chair we see here? A. Yes, sir.

Q. Do you see any other of the stock goods? A. Yes, sir: there are some chairs there in the different departments.

Q. This is another chair? A. Yes, sir.

Q. Well, with the exception of these special made goods which you have mentioned, these, then, are stock goods which any one can buy from a catalogue and get the trade discount, as they can other goods? A. These are placed at the price that any individual ought to buy at a store.

Q. The prices you have given are what the individual ought to pay the retail dealer at the store? A. Yes, sir.

Q. You haven't added any cost for delivering? A. No; we haven't done that; no, nor given any discount; they are the list prices.

Examined by SENATOR DALY.

Q. These prices that you have given us, are they the manufacturer's prices? A. They are what you can obtain as an individual from a store; they are not; they are retail prices.

Q. They are the trade prices? A. Well, I hardly would call it that; no; if my company wanted to buy any of this furniture it could be bought for a great deal less money.

Q. (By Senator Voorhees)—And your statement as to the values allows a reasonably fair margin of profit? A. It does.

Q. (By Senator Voorhees)—The prices fixed are such as any individual would have to pay if they went there and bought them? A. It does, and I have been very careful in my estimation.

Q. (By Senator Voorhees)—And at the time they were bought? A. Yes, sir; I have been careful as to that.

Senator Voorhees—May I ask you if you know where much of this furniture came from; does it appear from the books of Mullins & Co.?

Mr. Corbin—I have noticed in examining these books that in a number of instances it does appear that Romaine's name is mentioned, and Haywood's.

Senator Voorhees—I have noticed that on some of the slips you have handed up to us that there is the word "Haywood;" what do you mean by that?

Witness—They are from Haywood's catalogue.

Q. (By Senator Ketcham)—They are wholesale manufacturers of these goods? A. Yes, sir.

Q. What is the average profit to the trade in the sale to the individual? A. Well, now, sir, I can't answer that question.

Q. Isn't it as high as 100 per cent., and in some instances 150? A. From the trade to the individual?

Q. Yes? A. No, I think not.

Q. Well, then, tell us about—

Senator Skirm—He says he can't answer that.

Senator Daly—He can approximate it; he knows something about the business; that is what he is here for.

A. One man can purchase, probably, a little closer than another; one man's credit might be heavier than another; he can make better terms, his payments might be better.

Q. Conditions control it? A. I don't know of anything in the furniture business that would allow 100 per cent.

Q. (By Senator Voorhees)—Except the instalment business? A. Well, that I know nothing of.

Q. Goods that are manufactured upon order, is the profit greater? A. Yes, sir; generally a larger allowance, because the real cost has some uncertainties.

Q. For instance, desks to be used for certain purposes, not in stock—what would the profit be in a case of that kind, made to order? A. Well, they would vary; it would depend upon what the order would be; there is no scale or schedule for any such thing.

Q. Desks like that you have your arm arm on—are they sold by the trade? A. Tables of a smaller size would be; if you come to a larger table you wouldn't find them in stock, because they are large and inconvenient to keep.

Q. Every article, almost, of tables and chairs that you have alluded to in that schedule—are they stock goods? A. Well, I have designated "special" there in a good many cases.

Q. Now, I apply the omnibus question—general question: in most every instance the articles you have alluded to, are they sold in stock?

Senator Skirm—The witness answered that question, Senator Daly.

Senator Daly—I am asking him again.

Senator Skirm—The list shows where he has marked them "special" and he said so as he went.

A. I can't say most every instance, no, sir; I haven't averaged them; I haven't gone over them.

Q. Now average them ; you have had them in your possession, Mr. Corbin states, for some days? A. I have marked them "special"; that is the reason for my higher price in "special goods."

Q. You have seen the goods? A. I have examined them closely.

Q. As a matter of fact they are not stock goods, are they? A. Well, as I have said, some of them are not stock goods.

Q. Well, the greater portion of them? A. Yes, sir; the greater portion of them are.

Q. Are what? A. Stock goods.

Q. Did you ever sell any goods to the State House? A. Yes, sir.

Q. When? A. Sundry times since we have been in business, for the last six or eight years.

Q. When was the last sale you made to the State House, and what did it comprehend? A. Lockers for the Senate chamber.

Q. When was that? A. This year or late last year.

Q. These lockers in these rooms? A. Yes, sir.

Q. What did you charge for those? A. I don't recall.

Q. Why not? A. Somewhere near \$300.

Q. \$300? A. Yes, sir.

Senator Voorhees—That is about 50 per cent. what we would have had to pay for them under the old regime.

Senator Daly—I am only asking the question; you are not competent to judge at this time.

Senator Voorhees—Nor are you.

Senator Daly—I am not here to protect this witness, I don't suppose the Committee is; I am here to get the truth, and to know to what extent he is competent as an expert, and to what extent we should take his testimony in that capacity.

Senator Voorhees—I might state for the information of the Senator that it is possible to get a dozen experts who will put the figures even lower than this gentleman has.

Senator Daly—And it is possible that there are a dozen that will agree with the price that has been put in.

Senator Voorhees—I have no doubt that Mr. Ford would get them by hundreds.

Senator Daly—I don't know whether Mr. Ford would or not; I am not here to defend Mr. Ford or criticise him at this time; when a proper time comes I will

criticise him, and not until then; I don't think we are competent to criticise him at this stage.

Senator Voorhees—I think the majority of the Committee are quite competent, the disclosures of the testimony this morning were sufficient. Does the Senator want some more information from the witness?

Senator Daly—Yes, sir, I do.

Q. \$300 you charged for those lockers; about that, you say; they are rather plain things, are they not? A. Not so very plain.

Q. They are made out of oak? A. Yes, sir.

Q. How many lockers, all told, are they? A. I think there are twenty.

Q. Approximate the profit to the manufacturer in that instance?

Senator Skirm—That is an unfair question.

A. I am very well satisfied, sir, with the price of them.

Q. I haven't the least doubt but you are.

Q. (By Senator Voorhees)—Was there 150 per cent. profit in this? A. No, sir; you draw your comparisons to the cost of them with the others if you wish; take the court room lockers.

Q. But they are rather plain-looking? A. They were so ordered.

Q. (By Mr. Corbin)—Who ordered them? A. I think the present Custodian ordered them.

Q. (By Mr. Corbin)—And you put them in? A. We put them in.

Q. (By Senator Voorhees)—And they are special, are they not? A. Yes, sir; the size was given.

Q. (By Senator Skirm)—And specially made to fit in these different rooms? A. Yes, sir; I would like to have a comparison made if there is any thought that my prices—they are high price.

Senator Skirm—I don't think anyone thinks they are high price.

Senator Daly—How do you know they don't? I am judging from the testimony whether they will be or not.

Senator Skirm—And so am I; that is what I mean to judge the whole case by.

Senator Daly—You are getting a good many things outside.

Q. You compete with several industries in this State at manufacturing the same line of goods and selling the same line of goods? A. Yes, sir.

Examined by MR. CORBIN.

Q. Do you have a factory here in Trenton? A. Yes, sir.

Q. You put in the furniture for the Assembly Chamber, did you not? A. Yes, sir.

Q. The desks of the members? A. Yes, sir.

Q. Was that on bidding? A. Yes, sir.

Q. And your bid being the lowest, the contract was awarded to you? A. Yes, sir.

Q. How much did you get apiece for the Assembly Chamber desks? A. \$32.

Q. Are they like these here? A. They are similar, but larger.

WILLIAM S. STRYKER, affirmed.

Examined by MR. CORBIN.

Mr. Corbin—I now direct the attention of the Committee to another branch of the subject under inquiry, and that is the furnishing of pigeon-holes and metallic fittings for the different offices of the State—metallic pigeon-hole cases; and I draw attention, first, to the bills of the A. B. Dick Company. These are by no means all that there are on file for this sort of work, but it is to these that I call attention at this time.

The A. B. Dick Company, in November, 1891, for the State Capitol (that is the front part of the building), were paid a bill of \$5,669.50; March 22d, \$25; February, 1894, \$5,119.20; February, 1894, \$3,715.20; March, 1894, \$3,640.92, making a total for that front building of \$18,169.82, charged to the State House expense. In May, 1893, they were paid a bill of \$2,645, for the "Furnishing of the new Capitol," another account. They were also paid bills in December, 1891, \$267.50; in August, 1891, \$125; September, 1891, \$387.50; February, 1894, \$88.40; March, 1894, \$677.16, making a total in that account of \$1,545.56.

The total of their bills, including a small bill for furnishing the Assembly Chamber is \$22,972.38, nearly all of which is for metallic cases.

Q. What office do you hold under New Jersey? A. Adjutant-General of the State.

Q. How long have you been Adjutant-General? A. I was appointed on the 12th day of April, 1867.

Q. Have you had an office here at the State House from then until the present time? A. Except at the time of the fire, when I was in the building opposite the State House.

Q. Have you another occupation, General, besides your office

of Adjutant-General; if so, what is it? A. I am president of the Trenton Savings Bank, of this city.

Q. Do you remember the occasion when metallic pigeon holes were being put into the State House, in 1893? A. I do; yes, sir.

Q. Did any one approach you on the subject of having them put into your vault? A. The Comptroller of the Treasury.

Q. What did he suggest? A. I recognized him as a member of the Commission to refurnish the State House, and he told me that the other offices were being refurnished with the metallic boxes; I replied that I had already commenced to furnish my small vault with manilla boxes, and the carpenter of the State House was putting shelving in the vaults. I recognized the fact that I had been custodian of the military papers of the State that extended back 130 years, and for nearly 25 years I had been to some extent officially responsible for their safe keeping. When I considered the matter that the vault itself, though fire-proof, with the manilla boxes inside might still be destroyed, I acquiesced in the idea that I should have metallic boxes like the rest.

Q. Had you asked for any change from the manilla boxes to metallic boxes? A. I had not.

Q. Did you desire it? I didn't desire it until I understood that the other offices in that portion of the building were having them put in.

Q. And you then consented to what was suggested? A. I consented then; yes, sir.

Q. Who came with Mr. Comptroller? A. There was one or two persons with him; I think there was a gentleman by the name of Heeney who accompanied him.

Q. Formerly a member of the Assembly? I think so; yes, sir.

Q. Did Mr. Dick, of Chicago, come to? A. I can't say whether Mr. Dick was there or not; I think he was in the vault at some time.

Q. Did they go on with the work and put the cases in your vault? A. They commenced the work in Chicago, and I suggested some changes in the character of the boxes which would make it more convenient for my work.

Q. But they were finally put in, were they? A. Finally put in; yes, sir.

Q. After they were put in a bill came to the State House for them, I suppose? A. Yes, sir.

Q. Did it come under your notice for approval? A. My attention was called to it, and I remarked—

Q. I show you voucher No. 1412 of February, 1894, which will be marked "Exhibit 100"; is that the bill that was presented for your approval? A. This was the bill that was exhibited to me, and I expressed my opinion that it was an exorbitant bill, and I wouldn't approve it.

Q. You declined to approve it? A. I did at that time.

Q. Did the Comptroller afterwards call upon you with reference to this bill? A. The Comptroller came to me with the bill for me to mark it correct. I had been accustomed during all these years to consider that when I marked a bill as a State official as correct, I marked the bill on account of the articles furnished.

Q. And also approval of the price? A. And also approval of the price, but of course I had nothing to do with the price.

Q. (By Senator Voorhees)—Does any other custom obtain than that? A. I know of no other custom except for a State official to mark them correct.

Q. Well, after you had declined to approve this bill, and the Comptroller came to you with it, what was said or done; what did he say about it? A. He said: "Have the articles been furnished, and are they satisfactory?" I said: "The articles have been furnished and the work has been done, and it is satisfactory."

Q. Did you call his attention to the price which you considered exorbitant? A. I did, sir.

Q. What was the response to that? A. That was a matter for the Commission that had ordered these boxes.

Q. Did you then put your name on this bill? A. I put my name on this bill, saying "Correct and satisfactory as to work," and signed it officially.

Q. But you declined to approve it as to price? A. I did, sir.

Mr. Corbin—This bill, which is marked "Exhibit 100," is a bill for \$3,715.20 for fittings in the Adjutant-General's vault.

Q. I show you a subsequent bill of January 20th, 1894, for a steel cabinet for the Adjutant-General's vault, \$306. What occurred with reference to this? A. I considered this also exorbitant, and I marked it, "Cabinet was furnished as ordered."

Q. You declined to approve it further than that? A. Yes, sir. In the customary way I had been accustomed to in other bills.

Voucher offered in evidence and marked "Exhibit 101."

Mr. Corbin—This bill contains in addition to what General Stryker has read, the following: the first bill,

"Exhibit 100," "Approved, George T. Werts, Governor; H. C. Kelsey, Secretary of State; approved, William C. Heppenheimer, Comptroller; J. Bingham Woodward, George R. Gray, Treasurer," and is sworn to by Albert Dick, Treasurer, in Cook county, Illinois, and is paid.

As to "Exhibit 101," in addition to what General Stryker has spoken of, it is marked "Approved, William C. Heppenheimer, Comptroller; approved, George T. Werts, Governor," and is paid. It is also sworn to by Mr. Dick, Treasurer of the A. B. Dick Company, in Cook county, Illinois.

Q. You say that previous to this time the custom of approval, as you understand it, was for the officers to mark bills correct for goods which came to their custody? A. Yes, sir.

Q. This was a departure from your custom in regard to these bills? A. I don't know of any other incident.

Q. No other incident since you have been at the State House?

Q. Not that I am aware of; I can't recall it.

Chairman Voorhees—I think, as Chairman of the Committee, it is quite proper that I should express the opinion of the Committee that your course in this case was very commendable. I do not see the necessity of submitting these bills for approval unless they are to be approved both as to the fact that the goods were furnished, and that the charges made for them are proper. I know the statute makes the Comptroller an auditing officer, and the statute further says that when any question is raised as to the price charged for the goods, that he has it in his power to compel the attendance of witnesses—and here is a bill the approval of which is approved by the officer in whose department the improvements were made, and a qualified approval given of the bill, and yet the Comptroller certifies it as being correct and pays it.

Senator Skirm—May I ask, Mr. Chairman, who gave the order for these goods?

Senator Voorhees—The State House Commission, and I fail to see why, if Col. Stryker's position is not the correct one, why it was necessary to submit the bill to him at all for his approval.

Mr. Stryker—I thank you, Senator.

Senator Voorhees—I am sure it is only fair to you, General Stryker. We can readily see that you did not approve the price of the charge. You simply qualified

your approval by saying you approved it as to articles furnished.

Mr. Corbin—I will refer to the statute which the Chairman has referred to. It is Section 24, under the head of Treasury, Revision, page 1217. (Mr. Corbin read the section referred to.)

Senator Voorhees—Is there any evidence that when the Comptroller's attention was called to this fact that he brought before him any witnesses as to the charge.

Mr. Corbin—The only evidence I find on record is the affidavit made by Mr. Dick, in Cook county, before a notary public, that the account is correct and just, and the services rendered and articles furnished as stated.

COLONEL S. M. DICKINSON, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Trenton.

Q. What is your position under the State? A. I am clerk in the Chancery office for one thing, and an Advisory Master and Chancery Recorder.

Q. You practically have the immediate charge of the Chancery office, have you not? A. I have; yes, sir.

Q. For how many years have you had charge? A. Since 1871, continuously.

Q. Do you remember in the fall of 1893, when this subject of putting in metallic pigeon-holes came up in the State House? A. Yes, sir; I remember something about it.

Q. You had your principal vault already furnished, did you not? A. Our vaults were furnished with the Tucker files—a wooden pigeon-hole and filing apparatus.

Q. And you had another room which you desired to fit up? A. There was certain improvements made in the office by which a portion of the hall was taken into the office, and that gave us another room for vault purposes, which we needed very much, and I wanted that room provided with the files, and I proposed to put in the Tucker file.

Q. You preferred the Tucker file? A. I didn't know any other file than the one we had in the other parts of the office.

Q. Who suggested that you put in any metallic file in this new room that you fitted up? A. My recollection is that I applied to the Commission; I don't recollect to whom I first spoke about it, but I think the Comptroller and other members of the Commission, for the purpose of having the files put into that room;

and it was then suggested that all the other offices were having the metallic file provided, and I think Mr. Kelsey had already had these Tucker files, and they were removed, and the metallic files being put in, as it was thought they were a protection against fire or destruction of papers; so I had no objection to the metallic file, except I didn't like the color; they were black and gloomy looking; but I agreed to them afterwards.

Q. You consented to it? A. I consented to having the metallic files, as they were all being put in the offices.

Q. And they were put into that room, were they? A. They were put in the room, yes, sir.

Q. After they had been put in did the bills for them from the A. B. Dick Company come under your notice for your approval?

A. I think the bill was sent up to me, or brought up to me from the Comptroller's office for my—that is, for the approval of the Clerk, and, having general authority to sign his name, they were brought to me to approve.

Q. I show you voucher No. 1164 of February, 1894, being bill of A. B. Dick Company to the State of New Jersey, dated January 20, 1894, for the steel vault fittings for the Clerk of Chancery, \$5,119.20, and it will be marked "Exhibit 102;" is that the bill that was brought to you for approval? A. Yes, sir.

Q. Did you approve it when it was shown you? A. I endorsed it "The above fittings have been duly furnished, Allan McDermott, Clerk."

Q. Did you decline to give any further approval than that?

A. I don't know as I was asked to approve it as to the price, but I didn't approve it as to the price.

Q. Did you not omit doing so for the reason that you considered the bill highly exorbitant? A. I was rather astonished at the amount of the bill; as it was not my business to approve it as to price I didn't want to do so, having no knowledge of it.

Q. What is the custom in your office in that regard when bills are presented for goods that have been furnished to the State, and which come to your custody; do you not usually mark them correct? A. The practice in our office is that when we order goods ourselves I always look over them to see that the prices are such as ought to be paid—when we have ordered them ourselves, and when they are not ordered through any Commission or other authority, and when the prices are approved I mark it as correct; that includes the price.

Q. I show you another small bill, A. B. Dick Company, for \$88.40, being voucher 1,206, February, 1894, and which is marked

"Exhibit 103." That one you endorsed as correct, did you not?

A. I thought that was right.

Q. That is your usual way of endorsing a bill, isn't it? A. Yes, sir.

Q. That is endorsed "Correct, Allan McDermott, Clerk." That is in your handwriting? A. Yes, sir.

Mr. Corbin—The "Exhibit 102," to which I refer, the large one, has, in addition to Col. Dickinson's endorsement, which he has explained, "Approved, George T. Werts, Governor; A. C. Heppenheimer, Comptroller; Henry C. Kelsey, Secretary of State; George R. Gray, Treasurer," and is paid. That also has an affidavit taken before a Notary Public in Cook county, Ill., by Mr. Dick.

Chairman Voorhees—The Committee are unanimous in asking me as their Chairman to express their commendation of the course pursued by you in this matter. The same remarks will apply to you as were made to General Stryker; it seems to me that the course was commendable on your part.

Witness—I am much obliged to you. I want to say that I didn't know anything about the price of these boxes; I supposed that they had gone through the usual course of being examined by the Building Commission, and that the contract, or whatever it was, was seen to by them—that we had nothing to do with that part of it.

Senator Ketcham—Were there any bids received for these goods?

Mr. Corbin—I am unable to find anything of the sort.

HENRY N. BOOZ, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Philadelphia.

Q. What is your occupation? A. I am in the metallic furniture business.

Q. How long have you been in the metal furniture business? A. Since the origin.

Q. When was that? A. 1887 or 1886—1887, along there.

Q. With whom were you first connected in that business? A. With the Fenton Metallic Manufacturing Company.

Q. During what years? A. I think their Company was organized in 1888 or 1889, up to 1893.

Q. And afterwards with whom were you? A. Had a contract with the Hoffman-Keefe Office File Company.

Q. You had a contract with them representing them? A. Yes, sir; I had the exclusive sale of their good in Pennsylvania, New Jersey, Maryland and Delaware, with an office at Philadelphia.

Q. Where is this Hoffman concern located? A. The office of the Hoffman-Keefe Office File Company is in Chicago, and the factory was in Milwaukee.

Q. And you were their sole agent for the four States you have named? A. Five States.

Q. Was it you that introduced metallic office files into New Jersey? A. Yes, sir.

Q. You made the first sales in this State? A. I think so; I sold the first file in New Jersey.

Q. And in Pennsylvania, how? A. And in Pennsylvania the first file.

Q. Then you have been familiar with this business from the first, have you? A. Yes, sir.

Q. And in what way are you connected with the business now? A. I am manufacturing, myself, to a certain extent. In 1893, I had a contract with the Hoffman-Keefe Office File Company for a term of five years, and their work didn't come up to the standard, and we canceled the contract.

Q. Now, while you were with the Fenton Company you put the file into the State House and the Supreme Court Clerk's room? A. Yes, sir.

Q. Do you remember the time when Comptroller Heppenheim came in office, in 1891, when there was a change in the office in 1891? A. I remember of the change.

Q. Do you remember the fact of Mr. A. B. Dick, of Chicago, coming on here to the State House soon after that change. A. Well, I think by the newspaper report, or through the trade, I found out.

Q. Did you meet him here? A. No, sir, I didn't meet him here; I never met Dick personally until November, 1893.

Q. But there were files put in by Mr. Dick in 1891, were there not? A. Yes, sir; however, I didn't know until I seen—

Mr. Corbin—I call attention to voucher No. 86, November, 1891, being two bills fastened together; the first is a bill of the "A. B. Dick Company to the State of New Jersey, Comptroller's office; complete set of steel fittings for the vault, \$2,796.90; correct, and approved for \$2,796.90; William C. Heppenheim, Comptroller; ordered paid by the Building Commission, November 11, 1891; Geo. R. Gray, Treasurer."

Also, pinned to the same, another voucher, October 10th, 1891: "State of New Jersey, Comptroller's office; complete set of steel fittings for vault, \$2,782.60; approved, Geo. R. Gray, State Treasurer; ordered paid by the Building Commission, November 11, 1891; George R. Gray, Treasurer." To these bills there is no affidavit whatever, but both seem to be paid, by the accounts of the Treasurer's office.

Senator Voorhees—Not verified?

Mr. Corbin—No, sir.

Senator Ketcham—Have we a bill of items for that \$2,800?

Mr. Corbin—I show you all there is; I shall show the items by this witness, but there is no bill of items on file; the Comptroller informs me that there is a letter on file in his department in reference to this matter.

Bills marked "Exhibits 104 and 105."

Also bill dated "November 30th, 1891, for set of fittings for Treasurer's vault, one steel table, \$25, correct, Geo. R. Gray, Treasurer, William C. Heppenheim, Comptroller."

Marked "Exhibit 106."

Also "November 30th, 1891, State of New Jersey, Comptroller's vault, one steel-rail book shelf table, containing 48 rail shelves and nine open drawers, \$267.50, approved, Leon Abbett, Governor, William C. Heppenheim, Comptroller," and paid.

Also a bill of A. B. Dick Company to the State of New Jersey, dated "April 26th, 1893, for steel vault fittings, Executive offices, \$2,645. Approved. Geo. R. Gray, Treasurer; approved, B. J. Ford, Superintendent, May 16th," and paid.

Marked "Exhibit 107."

Senator Ketcham—It is all charged to the State?

Mr. Corbin—Yes, sir; they are all in the State Treasurer's accounts.

Then follow, at the end of 1893 and the beginning of the year 1894, these four bills which I have already offered in evidence, Exhibits 100 to 103, and which General Stryker and Colonel Dickinson have explained, amounting to \$13,240 additional, for their offices and some others.

"Exhibit 100" is \$3,715, for the Adjutant-General's office; "Exhibit 101" is \$4,012, for the Comptroller's

office, and \$300 for the Adjutant-General's office; "Exhibit 102," \$5,119.20, for the Clerk in Chancery, and "Exhibit 103" is \$88.40, for the Clerk in Chancery. The total of these bills is \$21,847.88.

Q. Have you examined all these files which I have mentioned?

A. Yes, sir.

Q. How recently? A. Friday last.

Q. Have you made a careful estimate of the value of them all?

A. I have.

Q. And have you made a detailed statement of what each one consists of? A. Yes, sir.

Q. Refer first to those of 1891, first the Comptroller's vault; the item which on this paper that you have made up is called "C"; how have you figured the value of them; have you allowed a profit to the manufacturer? A. Yes, sir.

Q. Of how much? A. Of about 33 $\frac{1}{3}$ per cent.

Q. Is that a good full profit in that business? A. Yes, sir.

Q. What is the value of that vault, including that profit? A. \$1,150.

Q. It is charged in the bill at \$3,064.40. Refer to the Treasury vault item? A. Yes, sir.

Q. What is the value of that vault? A. \$936.67.

Q. That is charged at \$2,897.60? A. Yes, sir.

Q. Now, refer to the vaults which were put in in 1893 and 1894, first to the item A, which went into the Adjutant General's vault, including the table and all? A. \$1,654.27.

Q. They are charged at \$4,021.20? A. Yes, sir.

Q. Refer to item B in the Clerk in Chancery's room. What is the value of that, that Mr. Dickinson spoke of? A. \$1,840.67.

Q. That is charged at \$5,207.60. Refer to the item D in the Comptroller's basement vault. What is the value of that? A. \$1,073.34.

Q. That is charged at \$4,012.08?

Senator Voorhees—I believe you stated they were *steal* vaults, didn't you?

Mr. Corbin—These are steel cases.

Q. Refer to item F, 1893, Governor's vault. What is the value of that? A. \$776 even.

Mr. Corbin—That is charged at \$2,645. The total of Mr. Booz's figures for these vaults is \$7,430.95, and the prices paid by the State is \$21,847.88.

Q. Kindly refer now to those other items which were done about the beginning of 1894, just before Col. Heppenheimer ordered those three items, A, B and D, the Adjutant-General's

vault, the Clerk in Chancery and the Comptroller's basement vault. Your figures, I see, upon those are \$4,568.28. Is that right? A. Yes, sir.

Q. And the State paid for them \$13,240.88? A. Yes, sir.

Q. I wish to call your attention particularly to this time when the contract was being given out for those three jobs. A. Yes, sir.

Q. Where were you then? A. I was in Chicago.

Q. And who did you meet in Chicago with reference to that subject? A. A. B. Dick.

Q. And who else? A. Mr. Hoffman.

Q. You were then Hoffman's sole agent in these four States? A. Yes, sir.

Q. What did Mr. Dick say about getting this job? A. Mr. Hoffman called my attention to the fact in Milwaukee on the Saturday previous to the following Monday when I met him in his place in Chicago, and he told me that Mr. Dick had been called to Trenton by Mr. Heppenheimer; that they wanted to furnish the vaults there, and nobody could get the work but him; I at first didn't feel inclined to turn this work over to anybody.

Q. You having the exclusive agency here? A. I having the exclusive agency; and finally Mr. Hoffman prevailed upon me that I should, and we went to see Mr. Dick, went to Mr. Dick's office, and Mr. Hoffman there told him that I had consented that if Hoffman would pay me 10 per cent. on this sale that he could make it.

Q. And you consented to it on those terms? A. Yes, sir.

Q. Did Mr. Dick make any remarks about the contract? A. Mr. Dick said he could get the contract at any price.

Q. Well, Mr. Dick went on with the contract, did he? A. Yes, sir.

Q. Now, after this contract was done, you had some little trouble in collecting your 10 per cent. commission, did you not? A. Yes, sir.

Q. You brought a suit? A. I brought a suit.

Q. In what court? A. In Philadelphia.

Q. Against whom? A. Against the Hoffman-Keefe Office File Company, and Gueder & Pasche Manufacturing Company, as assignees and successors.

Q. You joined them both? A. The Hoffman-Keefe Office File Company.

Q. You joined them both as defendants in your suit? A. Yes, sir.

Q. Have you got verified copies of the sworn answers they filed in this case? A. Yes, sir—that is, Mr. Hoffman's answer.

Q. You have verified this, have you? A. Yes, sir.

Mr. Corbin—I offer in evidence the affidavit made June 16th, 1894, signed and sworn to by H. J. Hoffman, part of the files of the Court of Common Pleas, No. 3, Philadelphia county. This affidavit goes on to recite the circumstances, and the part that I wish to call special attention to is this: They deny that they have been paid \$7,000 for these files, but they say that the Hoffman-Keefe Office File Company received for it the sum of \$4,117.

Senator Voorhees—At what price were they charged to the State?

Mr. Corbin—\$13,240.

The affidavit of defence of William Gueder recites the facts also, and I wish to explain to the Committee that he represented the manufacturers who are still back of Hoffman, and he swears that the manufacturers received for those fittings the sum of \$2,400. I offer in evidence these two answers—marked "Exhibits 109 and 110."

Senator Voorhees—That gentleman who made that affidavit is known to some members of the Committee as being a perfectly reputable man. The next inquiry is, where did the \$9,000 go?

Q. After that affidavit of defence was filed did you come to a settlement of this case for your 10 per cent.? A. Yes, sir.

Q. On what sum were you paid 10 per cent. for your commission? A. On a four thousand dollar basis.

Q. \$4,117? A. I wish to explain that my commission did not come from Mr. Dick; that came from the Hoffman-Keefe Office File Company, out of the \$4,100.

Q. Am I correct in stating that this affidavit of defence of Gueder shows that the manufacturer received \$2,400? A. That is his affidavit.

Q. That Hoffman, the dealer in these goods, received \$4,117, for which he paid you \$411.70 for your commission, and that he turned that over to Mr. Dick, who received from the State \$13,240? A. Yes, sir.

Q. And that your present estimate at the value of these goods is \$4,568, and in that you have figured 33 $\frac{1}{3}$ per cent. profit for yourself? A. That is for the Adjutant-General, the Clerk in Chancery and the Comptroller's basement vault, and if I had

sold those goods, I may just as well explain it fully, at \$4,568.28, my profit would have been a little over \$1,100 on the sale.

Q. (By Senator Daly)—That would have been 33 $\frac{1}{3}$ per cent. profit? A. Yes, sir; approximately.

Q. You have seen Mr. Dick frequently? A. Yes, sir.

Q. And General Heppenheimer? A. Yes, sir.

Q. Do you know of the personal relations existing between those two gentlemen? A. I know they are personal friends—that is, from the expression of both, for Heppenheimer told me that, and so did Mr. Dick.

Senator Voorhees—I should they would be bound together by ties of steal.

Are you in a position to inform the Committee who gave the order for these goods?

Mr. Corbin—I have just had the books brought here now. I find, Mr. Chairman, with regard to these three that Mr. Booz has just spoken of—I find three letters on file in the Comptroller's office, dated :

“CHICAGO, December 2d, 1893.

“*Hon. W. C. Heppenheimer, Comptroller, Trenton, N. J.*

“DEAR SIR: In accordance with the specifications required for steel fittings in the new vault office of the Chancery Clerk in the State House, we submit the following price: \$5,119.20. Please advise if this is satisfactory.

“A. B. DICK COMPANY.”

The next letter from Chicago is the same date :

“CHICAGO, December 2d, 1893.

“*Hon. W. C. Heppenheimer, Comptroller, Trenton, N. J.*

“DEAR SIR: In accordance with the specifications required for the steel fittings in the vault of the Adjutant-General in the State House, we submit the following price: \$3,715.20; and the price of the steel cabinet in the same vault, \$306. Please advise if this is satisfactory, and oblige yours truly,

“A. B. DICK COMPANY.”

The third one :

“CHICAGO, December 19th, 1893.

“*Hon. W. C. Heppenheimer, Comptroller, Trenton, N. J.*

“DEAR SIR: In accordance with the specifications required for the steel fittings in the basement vault of

the Comptroller's office in the State House, we submit the following :

“For files and fittings.....\$3,640.92

“Roller book-case..... 371.16

“Please advise if this is satisfactory, and oblige yours truly,

“A. B. DICK COMPANY.”

To all these the Comptroller seems to have returned one answer :

“January 2d, 1894.

“*A. B. Dick Company, Lake street, Chicago.*

“GENTLEMEN: Your letters of the 2d and 19th of last month concerning the prices for steel fittings in the vaults of the Chancery, Adjutant-General and Comptroller's Departments, were submitted to the State Board, who have charge of the State work. After consideration I am directed by the State Board to inform you that your offer has this day been accepted. You will please proceed immediately with the work and ship the goods as soon as possible. Yours respectfully,

“WILLIAM C. HEPPENHEIMER, Comptroller.”

Those relate to the files built in the early part of 1894—marked “Exhibits 111, 112 and 113,” and the letter book “Exhibit 114.”

I call the attention of the Committee also to a letter from A. B. Dick Company, dated May 16th, 1891.

This goes back to the other items.

“*Hon. George R. Gray, State Treas., State of New Jersey, Trenton, N. J.*

“DEAR SIR: We beg to submit the following estimate on metal fittings for your vault, delivered and set up within ninety days from receipt of order :

“Steel document case on two sides and end of vault, with base underneath, to contain steel drawers and roller book-shelves, as explained to you; all trimmings to be in extra plated nickel, and the cornice of the case to be handsomely moulded and nickel plated, for the sum of \$2,872.60. One steel table for vault, for \$25.00.

“Yours very truly, A. B. DICK COMPANY,

“Per A. B. Dick, Pres.”

To that there is a response from the Comptroller :

“ MAY 26th, 1891.

“ *A. B. Dick Company, Lake Street, Chicago.*

“ GENTLEMEN: I beg to inform you that your estimate of the furniture and fittings for my office, dated May 16th, 1891, is accepted.

“ The State Treasurer has requested me to inform you of his acceptance of the estimates furnished him of the same day.

“ Kindly execute and deliver the work as quickly as possible.”

Letter referred to offered in evidence and marked “ Exhibit 115,” and the letter book marked 116.

Q. This statement which you had in your hand when you testified, was this made up by you? A. Yes, sir.

Q. And this gives in detail what this work is, does it? A. Every item in each vault.

Q. This later work that was done in 1894, I see it seems to be more disproportionate to your figures than the work done in 1891. How about the quality of the work done in 1893, is it better or worse than that done earlier? A. It is not as good work; I don't think the work is as well finished; I suppose the material is the same, but not as well finished as the work in the Comptroller's vault. The work in the Adjutant-General's office is very crude. It might be well to explain that the Hoffman factory burned out in May, 1893, and Gueder & Paschke Company took on this work in their factory some time in November, 1893, and were not in shape to finish the work as well as formerly.

Statement of Mr. Booz is offered in evidence and marked “ Exhibit 117.”

Q. You said that the Company with whom you were formerly connected, the Fenton File Company, fitted up the vault of the clerk of the Supreme Court with this same sort of furniture? A. Yes, sir.

Q. That was in 1891, was it? A. 1891, I think, in January.

Q. What was the total bill of the Fenton Company for that work? A. \$3,129, my recollection is; the vault is just about twice as large as the Adjutant-General or any other one.

Q. It is twice as large as the Adjutant-General's, and the Adjutant-General's cost what? A. About \$4,000.

Q. Well, when you put that up for \$3,129 did you lose any money? A. No, sir.

Q. Did you make some? A. Made a fair profit, good profit.

Q. As big as $33\frac{1}{3}$ per cent. you have mentioned? A. As high as that. I might say too, that steel was worth at that time just \$20 a ton more than it was when this work was put in.

Mr. Corbin—I would like to ask if Mr. Mullins has the books present that were not present this morning?

Senator Edwards produced a book.

Have you the other one, Mr. Edwards?

Senator Edwards—That is the only book I have.

Mr. Corbin—In regard to this A. B. Dick Company matter, the minutes of the Committee of the Capitol Commission show, under date of November 11th, 1891, bills ordered paid, A. B. Dick Company, Comptroller's vault fittings, \$2,776.90, and for the Treasurer's office fittings, \$2,872.60.

Senator Voorhees—May I ask if bids had been submitted? Does it appear from the minutes that bids were submitted?

Mr. Corbin—The clerk who has gone through it says there is nothing in reference to it.

Senator Voorhees—That evidently explains the fact that there are no bids on file except this. From that it would look as if the Comptroller had gone ahead and ordered this himself.

Mr. Corbin—This is all that has been found, what has been submitted to the Committee.

EUGENE J. MURPHY, recalled.

Examined by MR. CORBIN.

Q. What is this book that has just been produced? A. That is the ledger which shows the amount of money which Mr. Moriarity and Mr. Mullins had in the firm.

Q. Is there any cash account in this ledger? A. Yes, sir.

Q. Under what head is it? Under head of First National Bank; I guess you will find another account in there which will have "cash," and then money drawn by both members of the firm.

Q. Refer to the checks we were speaking of this morning. The first check, No. 9,521, for \$239, and see if you can find it in the ledger—it is dated July 19, 1890? A. July 19, to cash, \$239.

Q. Page 491 of this ledger, is it charged to any body? A. It is charged against the firm, the bank's credit, as having been drawn from the bank.

Q. To what account does it go in the books? A. It doesn't go to any.

Q. Refer to the next check, 10,148, March 23, 1891, for \$200? A. Mullins & Co.

Q. To whom is it charged? A. To Mullins & Co.

Q. That is, the firm? A. Yes, sir.

Q. It is not charged against any body. A. No, sir.

Q. Refer to the next one, check for \$158, June 6, 1891—10,346? A. It is charged here, the entry calls against John Mullins.

Q. Now, I will refer to John Mullins' account. Refer to John Mullins' account and see if it is charged to him.

Senator Daly—How much is that check?

A. \$158. It is not charged to him.

Q. Is there a charge to him on that day, June 6, 1891? A. Yes, sir.

Q. But this \$158 is not charged to him? A. No, sir.

Q. Can you trace it as being charged to any body? A. I cannot.

Q. Refer to the next item, the one where the erasure occurred, \$1,500 check, 11,324, June 11, 1892? A. John Mullins, \$1,500.

Q. Now, see if it is charged to John Mullins' account. A. It is not.

Q. Does it appear to be charged to anybody? A. No, sir.

Q. Refer to the missing check, 11,031, February 26, 1892, for \$300. A. Mullins & Co., \$900; there is an extra check mark along side of it here denoting something.

Q. Will you please see if it is charged to any body? A. It is charged to Mullins & Co. It cannot be to any one's account.

Q. It is simply so much money gone out of the cash? A. Yes, sir.

Q. Now refer to these other checks—11,105, for \$300, March 23, 1892, is that charged to anybody? A. John Mullins & Co.

Q. There is no account under the name of John Mullins & Co. A. No, sir.

Q. Look at the next one, 11,172? A. John Mullins, \$5,000, April 12th, 1892.

Q. Now go to Mr. Mullins' account and see if it is there? A. April 12th, 1892; yes, sir.

Q. That is charged to Mr. Mullins' account? A. Yes, sir.

Q. Then that is correctly posted in the ledger, is it? A. Yes, sir.

Q. Look at check 11,093, March 5th, 1892, to John Mullins, for \$900—for that missing check? A. John Mullins & Co., \$900.

Q. Charged to anybody? A. No, sir.

Q. Now, refer to the last one, 12,143? A. That is a canceled check.

Q. Now, as to these missing checks and the three which we have found, they are credited to the First National Bank as paid by them, are they? A. Yes, sir.

Q. But they are not charged in your books to anybody? A. No, sir.

Q. Then the amount of money represented by those six checks simply disappears from your books without any accounting? A. No trace of it; no, sir.

Q. Look at this account with the First National Bank; are the other items that I have not drawn your attention to, are they charged up to somebody, each of them, try one or two? A. Take the next one that comes?

Q. Yes, take the first one that you come to; I want to see how the book is kept.

Mr. Corbin—I would like to ask whether those missing checks have been produced.

Mr. Mullins—I have not; I don't know what checks they are.

Mr. Corbin—They are mentioned in the subpoena that was served upon you yesterday.

Mr. Mullins—But I haven't got them.

A. Page 313 of the new ledger, which contains an account with the First National Bank, I find an entry, December 5th, 1892, the bank given credit for a check and John Savory's Son & Co. for \$38.83.

Q. Now look at Savory's account? A. I find here, on folio 218, John Savory's account that has been credited with a check; \$38.83.

Q. Well, in this account, then—you are familiar with the way this book was kept? A. Yes, sir.

Q. In this account with the First National Bank all these cash items are in the usual way credited or debited to somebody? A. Yes, sir.

Q. With the exception of these special ones we have called attention to? A. Yes, sir.

Q. And these were simply charged on the cash book to John Mullins & Co., which is the firm that owns these books? A. Yes, sir.

Q. They are not traced any further than the fact that the money is gone? A. No.

Q. Did you ever draw a trial balance off those books? A. No, sir; I never saw a trial balance while I was with them.

Q. You couldn't do it, could you? A. No, sir; it is impossible to be done.

Mr. Corbin—I would like for the Committee to get an idea of what these checks are, of the money that has disappeared from the account.

The first one is No. 9,521, July 19th, 1891, for \$239. That is the one that has in the stub the word "Ford."

The next one is No. 10,148, March 23d, 1891, \$200. That has in the stub the letter "F."

The next is 10,346, June 6th, 1891, \$158.

The next is No. 11,031, February 26th, 1892, \$900.

The next is 11,093, \$900, March 5th, 1892.

The next is 11,105, March 23d, 1892, \$300.

The next is 11,342, June 11th, 1892, for \$1,500.

\$239

200

158

900

900

300

1,500

Total..... \$4,197

Mr. Corbin—The total of Mr. Mullins' bills, if you leave out one which we have not referred to, furnishing this Chamber, \$6,998; take that from the \$48,571, leaves a balance of \$41,573.21.

I suggest that there should also be perhaps deducted—I don't know—a bill of 1887 for \$64; another bill in 1887 of \$29.51. I have not had an opportunity to study these figures, but having the book here now for the first time, I present them to the Committee for whatever comparison it may be desirable to make.

I don't know, Mr. Chairman, that I have anything further to go on with to-day. I should like an opportunity to examine this book.

Mr. Voorhees—With reference to the disposition of these books; does counsel wish to retain them?

Mr. Corbin—I would like to retain them for the present; they had better remain here until the next meeting of the Committee.

Mr. Mullins—When you have an expert here like this Murphy to deal with, and my books and papers are left in his possession to alter as he likes—I caught him handling them yesterday?

Senator Voorhees—We don't propose to have you, Mr. Mullins, or anyone else, making statements implying that this witness has destroyed or tampered with your books; it has been proven beyond any question that they were destroyed while in your possession, and we will protect Mr. Murphy while he is here.

Mr. Corbin—The ledger which brings the operations of the firm down to the present time has not been produced; the ledger here is called "Personal Ledger," and is a book which seems to be not now in use.

Senator Skirm—And the other book which was ordered this morning has not yet come?

Mr. Corbin—It seems not.

Senator Skirm—I would like to ask the Chairman of the Committee when the other book will be produced.

Senator Voorhees—When can it be produced?

Mr. Mullins—I don't know of any other book; this is the book that Mr. Murphy referred to.

Senator Voorhees—Now this matter might just as well be determined now, and, Mr. Corbin, will you aid the Committee in arriving at just exactly the book that you want produced, and an order will be made, and Mr. Mullins may disobey it at his risk.

Mr. Edwards—Mr. Mullins has no idea of disobeying it; that is an unjust implication.

Senator Voorhees—It seems very strange to me; Mr. Mullins must certainly know the book that this Committee wants.

Mr. Edwards—We have hunted and hunted for the books you want.

Mr. Mullins—I brought the book and telephoned to the gentleman that he referred to, and he said that he didn't know it—the one that the bank account was kept in, and I telephoned to him.

Mr. Edwards—There is no trouble about producing everything.

Senator Voorhees—I think, acting under the advice of your counsel, Mr. Mullins, you will produce what books we want.

Mr. Mullins—I would make a suggestion to the Committee that, if Mr. Corbin would step in the store, I will turn around and he can pick out what he wants, but I can't close my business altogether.

Mr. Corbin—It is unnecessary for me to do that, nor have I the time; all we want is the private ledger bringing the business down to the year 1895.

Senator Skirm—That was so stated this morning; and by reference to a page in the account that Mr. Murphy spoke of, that was transferred to page 117 of the new ledger, and the new ledger is the one now in use; this book isn't in use.

Mr. Corbin—I will state it once more. Here are two ledgers exactly alike in external appearance, marked "Private Ledger"; one succeeds the other, and in this second one the accounts are all marked "transferred to new ledger"; that new ledger is the one I want to see; I have twice subpoenaed them to bring it, describing it in detail.

Counsel say they want an opportunity to examine these books, and now that we have the cash, we would like an opportunity to examine them. I suppose a single day, or possibly two days, will be sufficient for our purposes.

Mr. Edwards—I understand then you are to have the books for two days, and at the end of that time we are to have them.

Mr. Corbin—I think we should have a full opportunity to examine the books. They are in the custody of the Committee, and I think they ought to remain there until the Committee are done with them. These books came before this Committee erased, cut and tampered with, every one of them; there isn't a clean book here, unless it be this book that is produced this afternoon, and I think the Committee should face the facts just as they are. If they have a right to call for papers, they have a right to make such examination of them as is necessary, and while these gentlemen should doubtless have the fullest opportunity to examine them, I think that until the Committee is done with them they should remain in the hands of the Committee; of course, in reason, they should be within their custody.

Mr. Edwards—They are our books, and we simply say that we want the State to have every opportunity,

or the Committee to have every opportunity, to examine them. Mr. Mullins brought them here without any thought as to their condition; he is a large business man; he doesn't take care of the details of his book-keeping; he was subpoenaed to bring his books here, and he has brought them here; if you are through with them he wants them back; he is just as much interested as you are to find out what his men have been doing with his books.

Senator Voorhees—Mr. Corbin states that he desires to consult these books further.

Mr. Edwards—We are willing that he shall.

Senator Voorhees—And I think in his request he is very reasonable, and he should not be limited as to time.

Mr. Edwards—We say we want them on Friday; we will return them, and if they are any worse mutilated than they are now—

Senator Voorhees—The Committee prefer not to permit these books to go out of their control until after this branch of their inquiry has been fully completed. In fairness to Mr. Mullins and his counsel, permission will be given to them to examine in a separate room, if they so wish, and under their own surveillance, these various books, but the Committee do not think these books ought to leave their custody at this time; I might state that there are other accounts in those books that we wish to look after.

Mr. Edwards—We will bow to the decision, but we deny the right of the Committee in any way to keep these books.

Senator Voorhees—We will assume the right, Mr. Edwards.

Mr. Edwards—We may have to assume the remedy then.

Mr. Voorhees—Well, I want to see the process of the court that will get them out of our hands.

Mr. Edwards—You may see it.

Senator Voorhees—Can counsel agree between themselves as to the time when the gentlemen representing Mr. Mullins will have an opportunity to examine the books?

Mr. Corbin—I think Senator Edwards and I will not disagree about that.

Senator Voorhees—The Committee do not propose to hold these books for the purpose of allowing evidence to be made against Mr. Mullins in any other tribunal.

Senator Edwards—Oh, we have no fear or thought of that.

Mr. Corbin—We now have the cash before us for the first time, and I desire to make an examination of the books with the cash book before us. Anyone who knows the least bit about books knows that you are all at sea unless you have them all; we have simply been floundering around in the dark; we haven't found much, but we have found some things that are significant.

Senator Voorhees—I think there is no misunderstanding as to the books Mr. Corbin wants, if there is such a book, and I presume there is. Is there anything further, Mr. Corbin?

Mr. Corbin—No, sir.

Adjourned until Monday, March 18, 1895, at 10 o'clock A. M.

TRENTON, March 18th, 1895, 10 A. M.

Mr. Corbin—I referred at the last hearing to several checks drawn by Mullins & Company which were offered in evidence; there are some others in the same connection, there being in all nine, to which I wish to direct the special attention of the Committee, and I wish to offer them all in evidence, and the stubs as well, and I will ask this witness to refer to the stub books as I call the numbers. I have prepared for the use of the Committee a schedule showing these checks and the bearing which they appear to have upon this matter, which I will submit to the Committee.

The first is No. 9521, dated July 19th, 1890, to the order of Cash, with the word "Ford" in the stub, already marked "Exhibit 93," for \$239.

The next is No. 10148, to the order of Mullins & Company, dated March 23d, 1891, with "F" in the stub, for \$200, already marked in evidence as "Exhibit 94."

The next is 10346, dated June 6th, 1891, to the order of John Mullins, with "Fo" in the margin of the stub, for \$158, this being already marked "Exhibit 96."

The next is 11031, dated February 26th, 1892, to the order of Mullins & Co., for \$900. I ask to have this stub marked "Exhibit 118."

The next is check 11093, dated March 5th, 1892, to the order of Mullins & Co., for \$900, which will be marked "Exhibit 119."

The next is 11105, dated March 23d, 1892, to the order of Mullins & Co., with very striking blot and erasure, which seems to me is recent, for \$300, which will be marked "Exhibit 120."

The next is 11324, dated June 11th, 1892, to the order of John Mullins, with an erasure under the word "Mullins," a knife erasure. This has already been marked "Exhibit 98," and is for \$1,500.

The next is 12890, dated March 5th, 1894, to the order of John Mullins, for \$1,400; it has the figure 4, which is evidently written over a partial erasure, and which I will submit to the Committee. Referring to the other capital F's that we have seen, I suggest whether that is not an F changed to a 4; I think it is so; this will be marked "Exhibit 121."

Finally, check 12916, dated March 31st, to self, for \$400, with a letter underneath which now looks like a B, but it is also written over an erasure, and I submit whether it is F changed to B; I do not know. This will be marked "Exhibit 122."

By the schedule which I have laid before the Committee it will be seen that the total of these checks is \$5,997, or just three dollars scant of \$6,000. By this same schedule, the Committee will observe on this same schedule a list of all the bills of Mullins & Co. against the State from 1890 to 1894, together with an indication of the account to which they are charged. You will observe that the greater number of them are charged to State House expense, the goods charged to that account going to the old buildings of the Capitol. You will observe the next account is furnishing new Capitol, which is the front building on the street. You will observe another account for furnishing Assembly Chamber, which is the new Assembly Chamber building, and you will find below one other item, ventilating Senate Chamber, which is a part of the old building.

If, now, the Committee will observe the calculation which I have made of 10 per cent. on all the furniture which went into the old buildings, and of 20 per cent. on all furniture which went into the two new buildings, you will observe that these checks in each case agree very closely to the amounts of the payments made to Mullins & Co.

The first check was for \$239, which I take it was intended for

10 per cent. on the \$2,391.52 which the State had recently paid when that check was given.

The next one of these checks was a check for \$200 on March 23d, 1891. You will observe that the State had paid recently a bill for \$1,740; if to this you will add \$334 for goods found in the ledger down to a point marked "to here," which has been testified—concerning which testimony has been given by this witness, you will see that there was due from the State at the date of that check, \$2,074. Assume that \$200 is intended for 10 per cent. on that and you will have a fraction left over of \$74.

The next check is June 6th, 1891. Meantime the State had paid a bill of \$991, of which \$334 has been accounted for above; also a bill for \$645.75, and also an item had been charged to the State on sales book 9, page 525, for \$200 down to that time. Add these items together and you will find the total to be \$1,578.37. On that day the check was for \$158, which is but a few cents away from exactly 10 per cent.

The next three checks given should be treated together, I think. February 26th, 1892, a check for \$900; March 5th, 1892, \$900; March 23d, 1892, \$300. Those three together, you will observe, aggregate \$2,100, paid within a few days of each other.

Now, you find by referring to the bills paid by the State, that in January, 1892, a bill was paid for \$341.38. Deduct from that the item of \$200, which I have already mentioned, and which comes out of it, and the balance of that bill is \$141.38. In February the State paid \$1,623.49, both of those charged to State House expense. In February also for furnishing new Capitol, \$2,758.30; in March, for furnishing new Assembly Chamber, \$6,456.02, and in the same month for State House expense, \$1,739.41. Now, if you will cast up 10 per cent. on each of those items which went to the old buildings, and 20 per cent. which went for the new, you will find the total will be exactly \$2,193.38. There was paid, as I have stated, \$2,100, leaving a fraction of \$93.38.

The next item is June 11th, 1892, and it is \$1,500; that is the item which has an erasure opposite. Now, taking the \$93.38 fraction which we had left over, and then observe again the bills which the State has paid June, 1892—the first one is \$3,615.43, for the new Assembly Chamber; cast 20 per cent. on that. The next one is for furnishing new Capitol, \$530.69; add 20 per cent. on that. Next, State House expense, same month, \$3,970.29; add 10 on that; and another for \$627.06, the same date, add 10 on that; and the total percentages will be \$1,402.30. June 11th,

1892, is this check paid for \$1,500, which, on my theory, would seem to be an overpayment of some ninety odd dollars.

I call attention that at this time everything seemed to be settled up by the State; nothing more was done for a long number of months. The next payment that I find is in March, March 5th, 1894, a check for \$1,400, with F or 4 in the margin, and a few days later, March 31st, 1894, \$400 more, check made to self, with F or B in the margin. Add those two together and you will find the total to be \$1,800. Now, the bills rendered in 1893, and in February and March, 1894, cast up without going into them in detail—there were six or eight of them—cast up at 10 and 20 respectively, whether for new or old work, amount to \$18,215, of which 10 per cent. is \$1,821.51. The \$1,800 would be just that sum, less \$21.51. As to the last item in this schedule, the small bill of goods furnished in May, 1894, I have nothing to trace with respect to it, but down to the 31st of March, 1894, I respectfully direct the attention of the Committee to these coincidences.

EUGENE J. MURPHY, recalled.

Examined by Mr. Corbin.

Q. Have you examined these ledgers to see whether the several checks that I have called attention to have been charged to anybody? A. Yes, sir.

Q. Have any of them been charged up to anybody? A. No, sir.

Q. The money has been drawn from the cash, has it not? A. Yes, sir.

Q. But not posted to any ledger account? A. No, sir.

Mr. Corbin—There was one book which was directed to be brought here, if the Committee please.

(Book produced by Mr. Hoffman.)

Q. See what that book is?

Mr. Corbin—I desire to use this book only for one single purpose. In the account of St. Francis Hospital and other accounts, which have been cut from the other ledger, you recollect I found the other day and called attention of the Committee to certain items in the sales book which have been posted to page 14, St. Francis Hospital, afterwards. It was just possible that that page 14 might mean this new ledger, but to absolutely exclude any such idea I call attention now to the fact that page 14 is the account of one Alaire, and those accounts are not transferred to the same pages in this ledger, show-

ing, I think, with mathematical accuracy, that entries were made in the mutilated ledger after November, 1893, in the pages which are now gone; and I find the St. Francis Hospital account in this book, but it is on page 7, and the first entry made to it after the transfer to the old ledger is March 14th, 1894. You will remember we found entries on that same day, March 14th, 1894, in the ledger of which only a margin remains to us, and March 14th, 1894, seems to be the only entry in this ledger of any of these transferred accounts.

Q. Where were you born? A. I was born in 275 Central Avenue, Jersey City.

Q. Where is your home now? A. Same place.

Q. Have you lived there all your life? A. Yes, sir.

Q. How old are you? A. Twenty-four years old.

Q. Who was your father? A. My father, at the time of his death, was principal of Public School No. 8, in Jersey City.

Q. Where was your father born? A. My father was born in Ireland, Drummond, I believe.

Q. And when did he come to this country? A. He came here when he was young, seven years old, I think.

Q. Where did he live then? A. Chatahoocha, Tennessee.

Q. And where was he educated? A. Lavane, France.

Q. In the University there? A. Yes, sir.

Q. And after his education what was his employment, his occupation? A. He was professor of mathematics at West Point.

Q. And how long did he continue as professor at West Point? A. Until the war was pretty well under way, September, 1861, I believe.

Q. Where did he go from West Point? A. Came to Jersey City.

Q. And what occupation did he take up there? A. He got to be principal of that No. 8 School.

Q. And did he continue in that position until the time of his death? A. Yes, sir.

Q. And in what year did he die? A. He died in February, 1875.

Q. Is your mother still living? A. Yes, sir.

Q. And other members of your family? A. Yes, sir.

Q. Do they still occupy the homestead? A. Yes, sir.

Q. You are not married, Mr. Murphy? A. No, sir.

Q. (By Senator Daly)—How long were you in Mr. Mullins'

employ. A. I was in his employ seven years and, I guess, about a month.

Q. (By Senator Daly)—Is Mr. Moriarty Mr. Mullins' partner?
A. Yes, sir.

Q. (By Senator Daly)—Is he a relative of yours? A. Yes, sir.

Q. (By Mr. Daly)—What prompted you to make these disclosures to the Senate Committee? A. Because Mr. Mullins, I considered, had treated me unjustly.

Q. (By Mr. Daly)—Well, then, the spirit that prompted you was one of retaliation? A. Yes, sir.

Q. (By Senator Daly)—And prompted by that spirit all the way through, you have testified to these facts? A. That is right.

Chairman Voorhees—Do I understand that a member of this Committee seeks to discredit the witness?

Senator Daly—No; I want to get at the truth.

Senator Voorhees—He has testified solely from the books.

Senator Daly—I guess there is no question about that.

Q. (By Senator Daly)—Mr. Mullins discharged you from his employ? A. Yes, sir.

Q. (By Senator Daly)—And discharged you the very day these books were found out? A. Yes, sir.

Q. (By Senator Daly)—And mutilated? A. Yes, sir.

Q. (By Senator Daly)—And the reason that he gave was for participating in betting on race tracks, is that right? A. Yes, sir; and I would just like to explain that right here; I want you to understand that I had been taken there, driven there more than once by Mr. Moriarty behind his trotter; on all holidays he excused me a little earlier than usual in order to enable me to go and play them.

Q. (By Senator Daly)—Do you mean to say you imbibed the taste for race-tracks through Mr. Moriarty? A. I don't say that; but I want to say that they knew I was playing them all along, and I have even been sent to play the races for the members of the firm.

Q. (By Senator Skirm)—For what? A. Why, they wanted to bet on them, and sent me to bet on them—gave me money and told me to go down and do it.

Q. (By Senator Daly)—You are a relative of Mr. Moriarty?
A. Yes, sir.

Q. (By Senator Daly)—What relation does he bear to you? A. I don't know; it is too far back for me to get at; I couldn't tell you.

Q. (By Senator Daly)—Is it a fact that the story you have disclosed here upon the witness stand, or part of it, that you offered the same to a paper published in the city of New York for a consideration? A. Yes, sir; I have.

Q. (By Senator Daly)—For a consideration? A. Yes, sir.

Q. (By Senator Daly)—How often was Mr. Mullins at that store? A. Mr. Mullins used to come about half-past ten in the morning, and you could expect him every day.

Q. (By Senator Daly)—How long would he stay? A. Probably an hour; that was about his limit; about an hour.

Q. (By Senator Daly)—Then where would he go, so far as you know? A. We never knew where he went.

Examined by SENATOR DALY.

Q. He would absent himself then; generally stay about an hour during the day; is that it? A. Yes, sir.

Q. A portion of this period covered by these accounts, Mr. Mullins was in Europe, was he not? A. Well, I think he went to Europe three times during my stay with him.

Q. I mean from 1890 down to the present time, how frequently was he in Europe? A. I don't remember just when he went. From 1890? I ain't sure whether he was there once or not.

Q. And he had three places of business, one in Brooklyn, had he not? A. Yes, sir.

Q. And one in Paterson? A. Yes, sir.

Q. And one in Jersey City? A. Yes, sir; and one in Newark.

Q. He was the senior member of all these concerns? A. No, sir.

Q. Was he not? A. He was not.

Q. He was the capitalist of all these concerns? A. He was not.

Q. Well, in the course of his business he went to the city of Newark, Paterson, these several places, so far as you know? A. And the Guttenburg race-track, too.

Q. Yes, the Guttenburg race-track; and, by the way, as you have mentioned the Guttenburg race-track, he was there frequently, too, and all the rest of the race-tracks; is that not right? A. That is right.

Q. And Mr. Mullins kept a stable of horses? A. I believe he had five or six, once.

Q. And the period covered by these transactions the racing season was in vogue, was it not? A. Yes, sir.

Q. And part of his time was spent there? Yes, sir

Q. On an average he wouldn't spend over an hour a day at the store? A. Well, I guess he spent about an hour in each of the stores he went to.

Examined by Mr. CORBIN.

Q. Your attention was called to your being discharged on the day that the books were discovered to be cut? A. Yes, sir.

Q. You said that was the day after election, 1893? A. Yes.

Q. How many books were discovered that day to be cut? A. Two.

Q. These other four that are now found to be cut, were they then cut? A. They were not.

Q. Did you ask Mr. Mullins to give you a letter of recommendation upon leaving him, that you might use elsewhere? A. Yes, sir.

Q. What was his reply to that? A. I think his reply was—he said “No, nor no one belonging to me will give you one, and if you don't get out of here,”—well, he used a string of oaths at me, that he would have me thrown out.

Q. Did he give any reason for discharging you, except that he said you played the races? A. No, sir; that was all.

Q. How long was Mr. Mullins at the store on election day, 1893? A. He was there all day; it was the first time I had ever seen him there all day.

Q. (By Senator Skirm)—When you were discharged on the day after election, was there any other reason assigned for your discharge excepting the fact that you were playing the races? A. No, sir. I asked him why I was discharged; I said, “I hope you don't connect me in any way with the cutting of the books,” and he said “oh, no.”

Q. He didn't discharge you for that, then? A. He said he wouldn't allow his own son to play the races, and he wouldn't allow strangers.

Q. Did he charge you with any dishonesty? A. No, sir.

Q. Did you handle any cash while you were there? A. Yes, sir.

Q. (By Senator Daly)—Those books you have there you haven't been examined in relation to; do they cover the period of time Mr. Ford was Custodian of the State House? A. No, sir.

Q. You have only been asked to examine from the time Mr. Ford was the Custodian? A. In what way do you mean?

Q. I mean in reference to sales to the State House? I started in with every item that is in these books that were brought over, part of the State House account.

Q. That is, from the time Mr. Ford— A. From the time that any one in these books that Mr. Mullins brought.

Q. (By Senator Skirm)—Were there any goods sold to the State by Mullins & Co. before Mr. Ford's administration here? A. Yes, sir.

Q. (By Senator Skirm)—And you have examined the books prior to that? A. Those books are not here; I cannot examine them.

Q. (By Senator Daly)—Where are they? A. I don't know where he has them; whether he has got them, I don't know.

Mr. Corbin—Before this witness retires, I wish to draw attention to one other matter with reference to these books. I wish at this time to refer to certain checks in these books, which I do not say refer to the subject we now have under investigation, but which I desire to have marked for identification.

Q. Mr. Murphy, will you refer to these stub books No. 9,173, March 31st, 1890, to the order of cash, \$600? A. Yes, sir.

Q. Is that check charged to anybody? A. No, sir. ("Exhibit 123.")

No. 9,658, September 22d, 1890, to the order of cash, with the capital letter M below it, \$90. ("Exhibit 124.")

No. 10,613, September 14th, 1891, to the order of John Mullins, for \$1,605, which will be "Exhibit 125."

No. 11,170, April 11th, 1892, to the order of cash, with a knife erasure underneath it, \$50. ("Exhibit 126.")

11,173, April 20th, 1892, to the order of Mullins & Cronin, \$185.07. ("Exhibit 127.")

11,731, December 10th, 1892, to the order of John Mullins, for \$1,000. ("Exhibit 128.")

11,859, January 30th, 1893, to the order of Mullins & Co., \$75. ("Exhibit 129.")

12,013, April 7th, 1893, to the order of Mullins & Co., \$320, with an erasure below—knife erasure. ("Exhibit 130.")

12,557, November 6th, 1893, to the order of John Ettelstein, \$100. ("Exhibit 131.")

12,632, November 17th, 1893, to the order of Mullins & Cronin, \$168.86. ("Exhibit 132.")

I also desire to draw attention to three charges for which we have not the stub books here, because they do not come down to a sufficiently recent date.

October 5th, 1894, check to the order of Mullins & Cronin, for \$113.82. (This cannot be marked as it is in the ledger.)

October 16th, 1894, to John Mullins, \$83.26.

December 6th, 1894, John Mullins, \$215.64.

Q. Mr. Murphy, have you examined to see if these checks are charged to any special account? A. Yes, sir; I have.

Q. Are they? A. No, sir.

Mr. Corbin—I desire, Mr. Chairman, to draw the attention of the Committee to another subject connected with the State House management, and that is the subject of the supply of fuel. I have a schedule here which I will submit, taken from the file as certified by the Comptroller, showing that the amounts are correct, showing that the supply of coal for the State House for the last ten years has cost the following sums :

1885.....	\$1,765 33
1886.....	2,538 43
1887.....	846 99
1888.....	2,223 64
1889.....	3,128 80
1890.....	2,517 64
1891.....	2,037 70

For these seven years the average is \$1,865.64 per year. For the year 1892, it was \$4,884.28; for the year 1893, it was \$7,472 44, and for the year ending October 31st, 1894, it was \$9,010.50. The average for those last three years was \$7,122 per year as against \$1,865.

It is but fair that I should draw the attention of Committee to this fact at this point—the new Capitol, being the new front building, was opened in the year 1889. It was larger than the old front; it does not, however, appear to have increased very much the supply of coal. There are years after that when the cost was smaller than before. The new Assembly Chamber was occupied in January, 1892; it is larger than the previous one; there was an Assembly Chamber there before to be heated, but the new one is double the size, perhaps, of the former one, and the electric plant was put in somewhere in 1890 or 1891, possibly 1892, somewhere along there. But the change which I wish to direct the attention of the Committee to, in view of the evidence

which I am about to produce, is that the fuel bills speedily jumped from \$1,865 a year to \$7,100.

Senator Daly—What is it this year?

Mr. Corbin—I have been getting the bills together to-day, but only a small part of this fiscal year, which begins November 1st, 1894, has passed. The bills are now coming in from day to day, and coal is being delivered. So far as I have looked at them, they seem considerably less than the bills for the past two years.

Senator Daly—When did they commence to furnish the coal in 1894?

Mr. Corbin—I should judge by these bills that there was coal every month in the year, more or less, excepting possibly a few summer months.

Senator Voorhees—Wasn't there a very large amount of coal there just prior to the termination of Mr. Ford's office?

Mr. Corbin—Yes: I desire to call attention to the fact that of the \$9,010 spent for coal that year, all but \$1,300 was furnished by Major Michael Hurley within the last few months just preceding, the bills being about \$1,100 a month for several months.

Senator Daly—All that coal was used, evidently.

Mr. Corbin—I wouldn't wish to testify to that fact; I am not sure.

WILLIAM LETTS, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Trenton.

Q. And what is your employment? A. Fireman.

Q. For the State House here? A. Yes, sir.

Q. How long have you been employed here at the State House?
A. Fourteen or fifteen years.

Q. In the same capacity? A. Yes, sir.

Q. When coal comes here where is it delivered? A. It is delivered to the bin, or else the doors.

Q. Where is the bin? A. The bin is just this side of the fire room.

Q. What is its capacity? A. Well, I should judge the present one will hold over 200 tons.

Q. You have a larger one now than you had formerly? A. Yes, sir.

Q. That was to the time the new Assembly Chamber was

built? A. Yes, sir; the old one held 100 ton; that is the reason I should judge this one would hold 200.

Q. You say some of it is delivered at the doors; what additional capacity have you for that which is delivered at the doors? A. Well, I have at my doors room for about two loads; that fills me up.

Q. That is how much? A. Well, the load runs from 2,700 to 2,800; Mr. Wilson's loads run larger than that, 3,600.

Q. What loads do you mean, then, run from 2,700 to 2,800? A. Mr. Hurley's; 2,900, some of them.

Q. Did you receive the coal that came from Michael Hurley in the years 1889, 1890, 1891, 1892, 1893 and 1894? A. Yes, sir; part of it.

Q. Now, when the driver came with a load of coal what did he bring with him? A. Brought a book.

Q. What did this book have? A. Had a receipt for coal, and the weight, and duplicate attached.

Q. Who sent for the coal? A. I did, generally.

Q. And you say it had a duplicate; did you take off the duplicate? A. Yes, sir.

Q. What did you do with this duplicate? A. Put it on file.

Q. Where? A. On a wire we had in the engine room.

Q. Would that show the weight of the coal? A. Yes, sir.

Q. And you got one for every load that came in? A. Yes, sir.

Q. What did you do with those duplicates? A. Mr. Boyd would take them up once a week or so to Mr. Ford.

Q. Mr. Boyd was the engineer? A. Yes, sir; chief engineer.

Q. Where are they now? A. I couldn't tell you now; I never saw them after they left the wire.

Q. They would remain with you only a few days? A. Yes, sir.

Q. Did you have any trouble with the quality of the coal Mr. Hurley delivered there? A. Yes, sir; some of it was very bad.

Q. When did that trouble begin? A. Well, I can't exactly tell.

Q. Did it continue during the period of Mr. Hurley's deliveries of coal here? A. Most of it.

Q. What was the trouble with it? A. Slaty.

Q. Did you make complaints? A. Yes, sir.

Q. Was it remedied? A. No, sir.

Q. Did you continue to make complaints? A. Yes, sir.

Q. To whom did you complain? A. I complained to Mr. Boyd.

Q. Did you complain to anybody else? A. Finally, I went to Mr. Ford.

Q. State what you said to Mr. Ford, the Superintendent, about it, and what he said. *A.* I told Mr. Ford that the coal was very bad, and I couldn't fire it—it was impossible to keep up steam without very hard work. "Well," says he, "if it aint good coal, don't receive it," he says, "send it back;" he says, "there is no commission in this."

Q. No commission in this—no commission in this coal? *A.* No, sir; and the coal was stopped for three or four days, and finally the same article came back again, and I said nothing more; I thought there was no use.

Q. About when was that last complaint that you made? *A.* Well, I couldn't tell exactly; it was last winter some time, I think.

Q. What boilers have you which you have to fire for the State House? *A.* The heating boilers.

Q. How many? *A.* Two.

Q. And what other boilers have you? *A.* Electric.

Q. How many? *A.* Two.

Q. How many days in the year do you run the electric plant? *A.* All the year around, with the exception of holidays and Sundays.

Q. Holidays and Sundays it is shut down, is it? *A.* Yes, sir.

Q. Have you made a computation of the amount of coal which you use? *A.* Yes, sir; as near as I can state.

Q. And tell me first how you know how much you use; explain that? *A.* Well, I know what I use in the fire room; we would have the load of coal dumped in there and the weight would be marked, and another load come, and burn that up, and another load come, and so on.

Q. That is, you have loads of coal, of which you know the weight, dumped at the door? *A.* Yes, sir.

Q. So that when you have burned up a load of coal, you know just how many pounds you have burned? *A.* Yes, sir.

Q. Have you made those experiments frequently? *A.* Yes, sir.

Q. And do you now ascertain how much you burn? *A.* Yes, sir.

Q. How much does it take to run your electric plant, which you say runs all the while except Sundays and holidays? *A.* About a ton and a half in twenty-four hours.

Q. And that runs something over 300 days in the year? *A.* Yes, sir.

Q. When did you start up your heating plant? *A.* Well, we generally in October, say, according to the weather; if the

weather gets cool, in October, about the latter part of October, somewhere along there—say the 15th.

Q. And do you fire up everything before the Legislature comes, or only part. *A.* Only part.

Q. How much do you burn a day in that heating plant before the Legislature comes and these halls are heated? *A.* From October to December, I should judge about two tons.

Q. About two tons a day? *A.* Yes, sir.

Q. After the Legislature comes how much do you burn per day while they are in session? *A.* Five tons.

Q. And after they retire you go back to the two tons again? *A.* Well, about this time of the year—about in March—towards approaching Spring, we get reduced down to about two tons.

Q. And then when do you shut off the heat from the building? *A.* About the middle of May—somewhere along there.

Q. These figures that you have given me, they are sufficient to cover your consumption of coal, are they? *A.* I think so.

Q. They figure up something between ten and eleven hundred tons, do they not? *A.* I don't know what they figure up.

Q. Supposing the heat commences on the 15th of October and runs until May 20th; you have figured the amount something less than eleven hundred tons? *A.* I don't know what it figured up.

Q. It is a matter of easy calculation, of course? *A.* There are about three or four months in the year that we run five tons; when it gets along in May we probably won't burn a half a ton or a ton, according altogether to the weather.

Q. How has this present winter been for it as compared with others? *A.* Pretty hard.

Q. More coal than usual? *A.* I think we burned more this winter than we have any winter yet.

Q. You spoke of the trouble you had with this coal of Michael Hurley; how did the quality of coal compare with what you had before you had his coal and what you have had since? *A.* No comparison with it at all.

Q. What was the trouble with the coal—Hurley's coal? *A.* It was bad coal—slatey, bony, bird's-eye stuff, and it was bad coal, there is no use talking; I don't know how to describe it.

Q. What size coal do you use? *A.* Broken.

THOMAS E. BOYD, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? *A.* In the city of Trenton.

Q. Were you formerly chief engineer of the State House?
A. I was.

Q. For what period? A. Four years and one month.

Q. Ending when? A. Last June; the first of last June, I think it is.

Q. Do you know what became of the record of coal received that was kept by the fireman? A. No; we used to put them all on file; when we got one or two or three months it would get full, and we used to throw them away, never preserved them.

Q. When the coal bills came in were they checked up by these? A. Yes, sir.

Q. By whom? A. By myself.

Q. Did you deliver any of these to the Superintendent of the State House? A. Delivered them all to him; that is, we delivered them—Hurley would send his bill in with the day and date, and I would have to go over all those stubs and compare them; if it was correct I would sign the bill "correct," if it was not we wouldn't sign the bill.

Q. What ultimately became of those duplicate receipts? A. Well, I couldn't tell you; they were left upon the string; I suppose the string—the wire—would hold some two or three months of them, and then we would get them and dump them off, when a new lot would come in.

Q. Were they preserved by anybody? A. No, sir.

Q. Was there any record of coal kept at the State House other than that? A. I don't understand exactly what you mean.

Q. Did you keep any record besides these slips; did you enter it in any book? A. No, sir.

Q. Then there is nothing to show here now what coal was received further than the bills which have been rendered? A. No, sir; not that I know of.

Q. Look at these bills, beginning May, 1894, and running back; is this your approval on them, "Thomas E. Boyd"? A. Yes, sir; that is my approval.

Q. Did you have the coal weighed on any public weigher scales? A. No, sir.

Q. Where was it weighed? A. On Mr. Hurley's scale.

Q. And you had no check upon it except the slips which the driver brought? A. Just the slip which the driver brought; only we would recognize by the load of coal; the wagon would hold a ton and a quarter of coal, about; that would be 2,240 pounds; they had run up to 2,700 or 2,800 pounds in the wagon.

Q. Who bought the coal? A. Mr. Ford.

Q. You had nothing to say about that? A. No, sir.

Q. What did you do with this coal that came in the fall of 1893 and spring of 1894? A. Burned it.

Q. Well, I observe that for seven months about \$1,100 worth of coal came each month; what did you do with it when it actually came? A. Well, we put it in the bin, as far as the bin would hold.

Q. After you got the bin full where did you put it then? A. He just filled it every day and then he dumped two or three tons, or perhaps four tons, in front of the small heating boilers; we would use that during the day in cold weather.

Q. Didn't you get all chock-a-block there with coal? A. When I left, I left two hundred tons of coal in the building; on the 1st day of June I left; the two hundred tons of coal filled it full; Mr. Hurley did, when I quit on the 1st of June.

Q. Who ordered that? A. Mr. Ford.

Q. Didn't you have to fill all orders? A. No; he kept us going all the time; we wouldn't let it go within fifty tons of being out, so that something might happen; had coal ready so we wouldn't be short of coal.

Q. How do you account for the fact that the deliveries of coal during the winter of 1893 and 1894 so far surpassed all other deliveries? A. There was no electric plant.

Q. You have heard what that takes to run it, one ton and a half? A. It is the biggest ton and a half you ever seen.

Q. You think it takes more than that? A. It will take nearly two tons of coal to run the small plant, but the big plant would take four tons.

Q. You didn't keep the run of what was put in there; A. Yes, I did; we could tell pretty near by the wheel-barrow that it run up.

Q. The more accurate way would be to take a note of the actual loads that went in, wouldn't it? A. The electric light plant, we used to dump it in front of those boilers; we could store about thirty tons there; in front of the boilers we could store two or three tons; we had a capacity for storing, I suppose, about two hundred and fifty tons of coal there at one time, taking the space in front of the electric boilers.

MICHAEL HURLEY, sworn.

Examined by MR. CORBIN.

Senator Voorhees—Has it been the course, Mr. Corbin, to advertise for proposals for furnishing supplies of this character?

Mr. Corbin—I have seen no evidence of anything of the sort; I don't think there is anything of the sort.

Q. Where do you reside, Mr. Hurley? A. Trenton.

Q. Have you brought your books in obedience to the subpoena that was served upon you? A. I have, sir.

Q. Will you produce them, please?

(Witness stood aside for the bookkeeper to be sworn.)

WILLIAM D'ARCY, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Trenton, New Jersey.

Q. Are you bookkeeper for Michael Hurley, the former witness? A. Yes, sir.

Q. How long have you kept his books? A. Since 1891.

Q. Have you the books here showing coal scales? A. Yes, sir.

Q. Show me first the book of receipts which the driver carries, showing coal delivered to the State House? A. I haven't got them.

Q. Haven't got it? A. No, sir.

Q. Where is it? A. We didn't think it was necessary, they accumulated so fast; we put them in the closet first and the mice got at them and destroyed them and we burned them up.

Q. I have no doubt they accumulated pretty fast? A. Yes, sir.

Q. Well, now, when was it the mice ate them up? A. About 1892 or 1893.

Q. Well, now, the latter part of 1893 or 1894, what I want to see—show me 1894, that the mice didn't eat? A. We haven't them.

Q. Who ate them? A. Nobody; we burned them up.

Q. When did you burn them?

Mr. Voorhees—Was that because the mice ate those?

A. No, sir. The last coal we delivered was in May, I think; I cleaned up the office and cleaned out the closet.

Q. The last coal you delivered? A. Yes, sir.

Q. To whom? A. Mr. Ford.

Q. When did you burn the book? A. Along in August or September.

Q. Well, did that book have anything in it except what was delivered to Mr. Ford? A. Oh, yes, it had other accounts, for the Trenton Crockery Company, the State Arsenal and Public Schools.

Q. Are those public accounts? A. Yes, sir.

Q. And they are all burned? A. Yes, sir.

Q. How about the last of 1894, is that burned too? A. Yes, sir. Oh, we have several of them in the office dating from September and October, 1894.

Q. Those are not yet burned? A. No, sir.

Q. Any public accounts in those? A. Yes, sir.

Q. Well, what public accounts are in those? A. State Arsenal, I think some for the Public Schools.

Q. Well, now, let us go back to some the mice didn't eat previous to 1891. Where is 1889 and 1890? A. We haven't them.

Q. Where are they? A. Burned up.

Q. When did they get burned? A. When I cleaned the office out.

Q. This last fall? A. Oh, no.

Q. What other books did you burn besides—

Q. (By Senator Daly)—When did you burn those?

A. 1889 and 1890. Well, within six months after the bill was paid.

Q. Well, did the mice leave any fragments to you of those books of 1892 or 1893? A. I wouldn't leave the fragments there.

Q. Is there anything they left there? A. It was to make room for more records that I destroyed them.

Q. Are the books there in their mutilated condition? A. No, sir.

Q. Where are the mutilated books that the mice left before? A. They are burned.

Q. When were they burned up? A. When I cleaned out the office.

Q. When did you clean out the office? A. Once or twice a year.

Q. Who burned them? A. I did.

Q. Where did you take them to burn them? A. In the stove, threw them in the fire.

Q. This last summer, when you burned them in August or September, you didn't have any fire in the stove to burn books with? A. No, but we never took down the stove.

Q. You built a fire for this purpose? A. No, not directly.

Q. But you hadn't a fire going there in August, had you? A. No, sir.

Q. Who told you to build up a fire and burn these books? A. Nobody.

Q. Did it by the light of nature, did you? A. Yes, sir.

Q. What else did you burn besides those receipt books? A. Oh, several old circulars and manifests, &c.

Q. Circulars and manifests? A. Well, whatever printed matter, circulars or pamphlets would accumulate.

Q. Any other books? A. No, sir—yes, sir, one cash book.

Q. Well, now, when you have a suit against somebody when he doesn't pay his coal bill owing you, how do you prove that you delivered him the coal? *A.* How far back would you want to go?

Q. Well, go a year? *A.* Oh, we have got all those records.

Q. You have got the coal that was delivered the year past?
A. We have them for six years past—we have the order books.

Q. You haven't got the receipt books for any time back of last September? *A.* No, sir.

Q. You haven't any receipt book here at all? *A.* No, sir.

Q. They are all burned except the one now in use? *A.* Yes, sir.

Q. Do you keep that same system of duplicate receipt books?
A. Yes, sir; the driver carries a book and gets from the person receiving the coal a receipt on the stub.

Q. And the fire and mice have destroyed up to September last?
A. Yes, sir.

Q. And you have delivered no coal in the State House since?
A. No, sir.

Q. After this receipt comes back what book does the coal next go into? *A.* We post it to the order book.

Q. Have you got the order book here? *A.* Yes, sir.

Q. Who keeps that? *A.* I do.

Q. It doesn't go into the order book before the receipt, then, but after? *A.* After they receipt for it we sum up the total of each day's run and post it to the order book.

Q. And then from the order book where does it go? *A.* To the ledger.

Q. Not into a journal or sales book or day book? *A.* No, sir. The order book is the sales book.

Q. Let me see your order book. Do the mice still bother you in your office? *A.* Yes, sir.

Q. Have you set any traps for them? *A.* Oh, yes, certainly.

Q. Did you catch any? *A.* Yes, sir, a few.

Q. Couldn't catch them all? *A.* Not quite.

Q. This seems to be your ledger? *A.* That is the ledger, yes, sir.

Q. Give me the order book for 1893 and 1894. *A.* There is one for 1893.

Q. Do you have any iron safe in your office? *A.* Yes, sir.

Q. Why don't you put your books in the safe? *A.* It won't hold them all.

Q. You did put some in it? *A.* All the ledgers and principal books, yes, sir.

Q. Did you put these order books in it? *A.* No, sir.

Q. The mice didn't seem to get at the order books? A. Yes, they did.

Q. Where is it? A. There is one of them.

Q. Oh, they did get at the back of that one—that is mice, is it? A. Yes, sir.

Q. Is this order book No. 11 in your handwriting? A. Most of it, yes, sir.

Q. I see under each item there is a red ink entry, "delivered by Lehey," "delivered by Clancey," and so on? A. Those are the drivers that delivered the orders.

Q. What are these red ink marks off to the left-hand margin? A. Those are the check entries opposite to page 364, 158 and so on down.

Q. To show to whom you charged them? A. Yes, sir. The account was transferred.

Q. Well, take this order book and turn to it as I draw your attention to some items, and first tell me what dates does that book cover, give me the first and last entries in it? A. May 2d, 1892, beginning, March 23d, 1893.

Q. Now, haven't you one fetching it up to 1894? A. Yes, sir.

Q. 1893 and 1894 I want. A. Beginning March 24th, 1893, ending March 14th, 1894.

Q. Fetch it up a little later still. A. Yes, sir; March 15th, 1894, beginning, and ending this morning.

Q. Before we leave this order book 12, do you know why that last page of the book is cut? A. Yes, sir; there was an entry there when we got it from the "True American"; I think it is the number.

Q. Did you cut it? A. Yes, sir, I cut it off.

Q. Any entries cut out with it? A. No, sir; there is no entries there.

Q. Now, under the entry of May 1st, 1894, for example, I see charged to the State House 11,910 pounds broken coal, \$27.91; is that your handwriting? That is my handwriting.

Q. Where did you get the data from which to make up that entry? A. From stubs.

Q. Stubs of what? A. From the stubs which the people receipted for coal here at the State House.

Q. That is the book that is now eaten or burned? A. Yes, sir.

Q. Who gave you the price? A. Mr. Hurley.

Q. Who weighed the coal? A. I did.

Q. Got the weight books here? A. Those are the weight books.

Q. Those receipt books? A. Yes, sir.

Q. The mice didn't eat your weights too? A. Yes, sir.

Q. And you had no weight book except this weight book that the driver carried? A. That is all.

Q. Which the driver carried around? A. Yes, sir.

Q. And the mice got at them all? A. Mostly all, except what I have got in the office yet.

Q. Is that a bound book? A. No, sir; made up very cheap, just a pasteboard back.

Q. How big a book? A. Fifty pages in a book.

Q. And you put the weight right down in those books? A. Yes, sir.

Q. Was it in ink or pencil? A. In ink.

Q. And that is the only record of weights you had? A. That is all.

Q. Nothing in your office; don't you have a weighing book lying on the shelf? A. No, sir.

Q. Never had a weight book? A. No, sir.

Q. Did this coal go to any public schools? A. No, sir.

Q. But you put it down in these little cheap books which the drivers carried around with them in their pockets? A. They carried them around until—they were expected to turn the book into the office immediately on coming back from every order.

Q. If they lost that book you had no record of anything as to how much coal had gone out? A. Yes, sir; the order book.

Q. But you say this order book was not made up until after this order book was delivered, you told me? A. We would keep a sheet of the amount of coal on each load until we charged it.

Q. Suppose the driver delivered five loads in a day, he carried the book with him all day, didn't he? A. No, sir; on coming back from the State House he came over to the scale every time and delivered the book to me, and I kept it until I weighed the next load.

Q. You kept the book until you weighed the next load? A. Yes, sir.

Q. Then he took it and went to the State House again? A. Yes, sir.

Q. When he came with his fifth load he would have five loads there? A. Yes, sir.

Q. And if that happened to fall into the Delaware river, you would have no record of the weights in your office? A. Yes, sir; but we didn't have any fall in the river.

Q. But there was no other record kept of the weights, except in those books which the drivers carried? A. That is all.

Q. (By Senator Voorhees)—How do you keep your stock accounts? A. We don't keep none.

Q. You kept no account of the stock you had on hand and the deliveries out of it? A. No, sir.

Q. Is there anything in your ledger showing merchandise account? A. There may be; yes, sir.

Q. Does that show quantities of coal brought into your stock and quantities sent out? A. It shows the amount paid for the year.

Q. In dollars or in tons? A. In dollars.

Q. Not in tons? A. No, sir; we charged it from invoice received from shipments.

Q. Let us look at a few of these and see what the mice have left.

Q. (By Senator Voorhees)—Who did the weighing? A. I did most of the weighing.

Q. Who else weighed? A. Well, the former bookkeeper when he was there.

Q. Well, during your period of four years anybody else weigh besides you? A. No, sir; I was only a few minutes away from the office; never away when we would have a busy day.

Q. But when you were away of course somebody else took the weights? A. Yes, sir.

Q. Did you say the entries in these small books were in ink or pencil? A. In ink.

Q. You delivered coal practically every day, didn't you, to the State House? A. Yes, sir; pretty much.

Q. And how soon after the coal was delivered would it be entered in this book? A. The same day.

Q. You posted these books at night, did you, those little books? A. Yes, sir.

Q. That was your rule? A. That was the rule; yee, sir.

Q. When you put down these prices, did you put them down first in ink or pencil? A. In ink.

Q. I see some of them appear to be in pencil, and inked over. The State House stood at the head of your account every day, didn't it? A. Yes, sir.

Q. It was your biggest customer by considerable, wasn't it? A. Oh, I don't know, we had several very big contracts at that time.

Q. During this period that we have under examination it was your largest, wasn't it? A. Yes, sir; we were sending some pretty much every day.

Q. You always found your coal was welcome every day? A. Yes, sir; that was the orders, to send some every day, so that they wouldn't have to wheel.

Q. Now, take this item of May 14, State House, 11,930 pounds broken coal; that 11,930 I suppose is the total of all the cart loads that would be delivered there that day? A. Yes, sir.

Q. You totaled up what you found in these several drivers' books and entered it here? A. Yes, sir.

Q. And that is all the record you kept? A. Yes, sir; that is all.

Q. You can't say, for example, except by guess-work, how many cart loads there were: there is nothing there to indicate how many cart loads were delivered? A. Yes, sir; Carlin delivered two and Dettler two.

Q. Have you got one of your weight books here, your receipt books? A. We didn't bring them down, no, sir.

Q. Can you send for and get them? A. Yes, sir.

Q. I wish you would do it.

Q. (By Senator Voorhees)—You will have them here in the afternoon session, will you, please? A. Yes, sir.

Q. Is this your ledger account? A. Yes, sir.

Q. From what book is this posted? A. That is posted from this book here.

Q. Have you your cash book here? A. Yes, sir, the latest one.

Q. Covering 1890 to 1894? A. Yes, sir, starting 1892.

Q. Well, let us see it? A. (Witness produces the same).

Q. Come up to the present time? A. We had a new one in the office, yes, sir, starting the first of this year.

Q. You keep this? A. Yes, sir.

Q. Are your books kept so that you draw off trial balances from them? A. No, sir.

Q. You don't draw off any trial balance? A. No.

Q. Why not? A. He never asked for one.

Q. Have you never balanced these books since you have kept them? A. Balanced them at the end of the year, yes, sir.

Q. Balance your cash you mean? A. Yes, sir.

Q. Well, do you balance anything else besides your cash? A. Balance all the accounts, yes, sir.

Q. But you made no trial balance from the books in four years? A. No, sir.

Q. What have these got in; anything besides coal? A. Every account is entered.

Q. Wood and coal and what else? A. Yes, sir.

Q. What else? A. If we did any contracting for other parties it would be in there too.

Q. Just show me from this book—it seems to be all debit carried from one page to the next—where is the credit side of your cash? A. Those are all credits.

Q. Well, then where are your debits; this seems to be carried from one page to the next and then that carried over, the total of each day's cash footed up and the stock made? A. Yes, then we start new on the next one.

Q. Where does that cash go to, what book? A. It must be on the ledger.

Q. Now for example, take January 1st, 1894; you begin cash in the box \$53.91? A. Yes.

Q. And add to that all the penny items of that day? A. Yes, sir.

Q. Money you took in that day? A. Yes, sir.

Q. Where is the money you paid out that day? A. I haven't got the disbursement book here.

Q. You keep two cash books? A. No, that is the only cash book we have.

Q. It is nothing but your debit cash; where is the credit cash? A. The cash is credited on the ledger.

Q. You have got another one showing your payments out, haven't you? A. Yes, sir.

Q. Where is that? A. That is in the office.

Q. That I shall want; now, where do these daily totals go; what is the account in here that will show it in the ledger; is this kept the same way? A. Those are paid cash on delivery.

Q. Not totaled at all? A. Yes, sir; that is not my writing.

Q. Refer to your ledger, page 67, headed "Cash customers," with a great multitude of small items? A. That we haven't got.

Q. But look at the ledger; these pages don't appear to be footed up at all; are they not carried to any other account? A. That is not my writing; I don't know anything about that account; that is not mine.

Q. Do you keep an account like that now? A. I foot my own up; yes, sir.

Q. Take this same account and turn forward to December, 1891; it is not totaled up at all, is it? A. Don't seem to be.

Q. What becomes of these items, are they not charged to anybody? A. The sales for the year is supposed to appear with that.

Q. What do you mean by that? A. The amount of coal and business done for the year.

Mr. Corbin—It is hardly worth while for us to attempt to examine the books without having both sets of the cash here. I would like to have the witness directed to produce the other cash books and also the receipt book; those that were made and have not been destroyed, this afternoon.

Examined by SENATOR SKIRM.

Q. How large is your office? A. It is a very small one.

Q. And there is very little room for storing away your books?

A. Mighty little; there is practically no room, except one closet.

Q. Is it in the same condition it was three or four years ago?

A. Yes, sir; never made any change.

Q. Then you took these check books and put them in your closet? Yes, sir.

Q. And when that got full you wanted to dispose of them, take care of them? Yes, sir.

Q. Simply because you didn't have room? A. Didn't have room, no, sir.

Senator Ketcham—Do you say there were no bids for coal on the part of the State?

Mr. Corbin—I know nothing of it, sir.

Q. (By Senator Ketcham)—Has the State any scales for weighing this coal? A. No.

Q. (By Senator Ketcham)—There are public scales in Trenton, are there not? A. There are scales at the hay markets.

Q. But all the coal dealers weigh their own coal on their own scales? A. Yes, sir.

Q. (By Senator Ketcham)—Are those scales tested very often? A. Tested once a year by the City Sealer of Weights and Measures.

Senator Voorhees—May I ask the Senator of Mercer a question; the coal that is supplied to the public departments here in the city of Trenton, is that not weighed on public scales?

Senator Skirm—No, it isn't; all dealers weigh their own coal.

Mr. Corbin—I suppose there is a public ordinance on the subject here; most every city has it.

Senator Skirm—Not here; the coal trade has grown very largely here; of course every coal dealer has his own scales; of course it rests entirely with the honesty of the coal dealer whether the customer gets weight, but in this case, as I understand the witness, with every

load of coal delivered at the State House there was a stub which you retain.

Witness—Yes, sir.

Q. And the stub which is left here and the bill of course corresponded, and that duplicate was left with you and you retained the duplicate and at night you copied out from your books the amounts which the customer that was charged on that book—you charged up on your sales book? A. Yes, sir; but every private order was not signed for.

Q. Only public institutions, where you wanted to keep a record and check, so that the public officers could have a check upon it? A. Yes, sir.

Q. And that was done in all cases, and no coal was delivered without taking a receipt, that is to the State House, without taking the receipt of the engineer or some one in his employ? A. Yes, sir; that was it.

Examined by MR. CORBIN.

Q. You didn't take receipts from private individuals? A. No, sir.

Examined by SENATOR KETCHAM.

Q. Did you ever deliver from a car or always from the yard? A. We have an elevated track; we haul from the yard.

Q. You never delivered any to the State House from a car, did you? A. No, sir.

Q. Never sold a car load? A. No, sir.

Q. Never compared the weight, either, by the weight of the car; you never delivered to the State House from a car? A. No, sir.

Q. And compared the total of that with the weight of the car? A. No, sir.

Q. Same thing apply with any other customer except they bought by the car load? A. No, sir.

Q. Then you simply charged the gross weight of the car and and simply take the coal out of that car and deliver it? A. Yes, sir.

Q. But where it was by so many tons weight to the State House, you simply took it from any car or from your bins, anyway you could get it? A. Yes, the bins were never empty, so that we could make a test.

Examined by MR. CORBIN.

Q. Did you not, in fact, haul it right from the train to the State House? A. No, sir.

Q. Hauled it first into your yard? *A.* The Pennsylvania Railroad dumped it in our bins, and we haul from the bins.

Senator Skirm—They have a line of railroad running right into their yard.

Q. There is no second handling, is there, then?

Senator Skirm—No, sir.

Q. (By Senator Skirm)—You haven't room enough there to have many cars standing on the side at a time; you have got to dump the coal to get it. *A.* Yes, they dump it; we have thirteen bins.

Q. Have you your check books here? *A.* Yes, sir.

Q. Refer to your stub book for 1893 and 1894.

Mr. Corbin—I offer in evidence a package of warrants, with the checks attached, paid by the State, being coal bills of Michael Hurley; there are quite a number of them; they are all part of the State Treasurer's report, and they all appear to be stamped "For deposit in the Trenton Banking Company," and they cover a period from 1889 to 1894, inclusive.

Q. Who draws the checks on your bank account? *A.* I do since I have been in charge.

Q. Who signs them? *A.* Mr. Hurley.

Q. Anybody else have power to sign? *A.* No, sir; this one begins in 1893.

Q. Give me No. 13, these stub books of the Trenton Banking Company? *A.* Yes, sir.

Q. You deposit your cash as well as your checks in the bank? *A.* Yes, sir.

Q. Does all the money that comes in come through the bank before you use it? *A.* No.

Q. What do you do with it? *A.* We pay out bills with cash for feed, hay and straw.

Q. Pay them in cash? *A.* Yes, sir.

Q. Then your payment of bills won't appear here? *A.* No, sir.

Q. You did pay some with checks, did you not? *A.* Yes, sir; large accounts.

Mr. Corbin—I think it would be well to direct the production of the other books, and have them, and give us a little opportunity to examine them.

Senator Voorhees—The order has been made, and the witness says he will comply with it and produce them this afternoon.

Q. Have you the checks here to correspond with these? *A.* Yes, sir.

Mr. Corbin—I would like to have these left with the Committee for a short time for examination.

Senator Voorhees—The order will be made.

Mr. Corbin—I think it is hardly worth while to pursue the examination at this time, and I desire to call the attention of the Committee to another matter.

Under the acts passed by the Legislature to which I have already drawn the attention of the Committee, the Superintendent of the State House was paid first the salary of \$2,000 and afterwards a salary of \$3,000 for superintending the State House. I find by the Treasurer's report that additional salaries were paid to him.

Senator Voorhees—Under what authority or warrant?

Mr. Corbin—I don't know; they seem to have been paid to him as supervisor of the new work going on; I will offer them in evidence. Unless the acts for adding to the building allowed further salaries to be paid State officers I don't know how it could be done. The first one offered in evidence is voucher 4249 of October 1st, 1891:

“Honorable Leon Abbett, Governor.

“I hereby certify that Bernard J. Ford is entitled to receive for services rendered for the construction of the new Assembly building payment on account \$500.

“Respectfully submitted,

“JAMES MOYLAN, Architect.

“LEON ABBETT, Governor.”

That is all there is of that voucher; there is no receipt, not anything but that certificate, but a warrant was drawn and it was paid. December 22d, 1891, this is voucher No. 557, B. J. Ford, rebuilding Assembly Chamber:

“Honorable Leon Abbett, Governor.

“Dear Sir—I hereby certify that B. J. Ford is entitled to receive for services rendered in superintending the construction of the new Assembly building, payment on account, \$300.

JAMES MOYLAN, Architect.”

Amount of former payment \$500, approved, Leon Abbett, Governor.

The next is No. 2917, June 1892, State of New Jersey to B. J. Ford, traveling, typewriting and other expenses incident to rebuilding of Assembly Chamber to June 7th, 1892, \$128.80. Approved June 7th, 1892.

“*Leon Abbett, Governor.*

“Dear Sir—I certify that Bernard J. Ford is entitled to receive for services rendered in superintending the construction of the new Assembly Chamber payment to the amount of \$500.

Respectfully submitted,
JAMES MOYLAN, Architect.”

“Total payments to date, \$1,300. Approved, Leon Abbett, Governor.”

“Another one of December, 1892, “State of New Jersey, to B. J. Ford, to superintending, heating and ventilating and repairing in Senate Chamber, \$500. Approved, Leon Abbett, Governor.”

Senator Daly—When I was in the Legislature, in 1891, they tried to pass a bill increasing his salary, and that bill was vetoed by the Governor, and I opposed the passage of the bill, and I think there was quite some talk around about the State House at that time; I think there was some arrangement by which he would be superintendent of construction.

Mr. Corbin—If the Committee want me to state traditions, I can state that the Senator is right as far as it has gone; the bill was not passed, but it was said it would be made up to the gentleman in some other way, and here, evidently, is the way.

Senator Daly—I fought against the bill in the Legislature.

JAMES MOYLAN, sworn.

Examined by MR. CORBIN.

Mr. Corbin—I offer in evidence these five bills to which I have drawn attention, and ask that they be marked “Exhibits 133, 134, 135, 136 and 137.”

Q. You were the architect of the new Assembly Chamber?

A. I was.

Q. Mr. Ford was paid some money on your certificate for superintending, was he not? A. Yes, sir.

Q. Was he an artisan of any sort? A. Not to my knowledge.

I never knew Mr. Ford except as Superintendent—as general Superintendent of the capitol building.

Q. Was he either a carpenter or mason? A. I don't know.

Q. Or a plumber? A. I don't know.

Q. Or a plasterer? A. I don't know.

Q. He was a hatter, wasn't he? A. I don't know; I never heard; my impression was that he was an insurance agent previously.

Q. Who appointed him to superintend? A. The Governor.

Q. How do you know that? A. The Governor told me that he had appointed Mr. Ford as Superintendent and Inspector of this work.

Q. How did you arrive at the rate of compensation which you were to certify for Mr. Ford? A. I prepared that slip by direction of the Governor.

Q. Did the Governor tell you how much to put in? A. The Governor, Mr. Ford and myself had a consultation as to what would be a proper compensation, and the Governor directed me to make out a certificate at first for, I think, \$500 as a payment on account, and subsequently the other amounts which I have certified. I made out those certificates under his direction and sent them to him and he approved them.

Q. You were not under Mr. Ford's direction, were you? A. No, sir.

Q. Nor he under yours? A. Yes, sir; he was rather under my direction; I was the architect and he was supposed to look out for the work, to be there and watch, it and in constant supervision of it.

Q. He was here at the State House every day? A. He was here at the State House every day, and my understanding of his position was that of an inspector; he was always on the work looking out after the conditions and specifications, and all the requirements were carried out, of course subject to my directions.

Q. Did he do anything, so far as you know? A. Yes, sir; he was upon the work; he was about there all the time, as far as I remember; he was in constant attendance when in the State House and has been much of his time out upon the work, and when he was not there some of the other assistants about the State House were about.

Q. Mr. Lambert, for instance? A. Mr. Lambert was there, yes, sir.

Q. And who else? A. I recollect only Mr. Lambert particularly.

Q. Mr. Lambert was really the inspector if there was one, wasn't he on the work? A. He was a carpenter and a clever, able carpenter, and looked out for work of that sort.

Q. Were there any other inspectors on the work? A. I don't recollect any one besides Mr. Lambert and Mr. Ford, they were there at different times.

Q. Who prepared the plans and specifications for the new capitol; for the new Assembly Chamber? A. I did.

Q. Where are the originals? A. When the building was completed and I left here I left a complete set at the request of Mr. Ford, in order that they might be referred to in case they were needed again.

Q. Can't you get at it a little more briefly; where are they? A. They were left in an unoccupied room.

Q. Do you know where they are? A. Oh, I don't know where they are to-day.

Q. What room were they left in? A. They were left in the room formerly occupied by the Attorney-General.

Q. Adjacent to the Senate Chamber at the rear? A. Of the corridor, yes; he having had new apartments provided for him.

Q. Do you know what became of them? A. No; I haven't seen them since.

Q. Did the contractors sign the plans? A. I think the contractors signed the plans that were attached to the contract.

Q. Where are those contracts? Look at these four contracts; are these the contracts for building the Assembly Chamber?

Senator Daly—There is a joint resolution that was passed after the salary bill was defeated, and I think he exercised power under that.

Mr. Corbin—This is the joint resolution, No. 4, March 20, 1891, authorizing the Governor to provide a suitable chamber and committee-rooms for the use of the General Assembly of this State, by enlarging such portions of the State Capitol building as he may deem necessary to accomplish the purpose of this resolution, and that the Governor be authorized and empowered to make such additions and alterations as will afford the necessary accommodations for the Supreme Court and Court of Errors and Appeals and for other State officers, and sufficient money is hereby appropriated for that purpose, to be paid by the Treasurer of this State on the warrant of the Comptroller, after approval by the Governor. That is what you refer to.

Senator Daly—Yes, that is all that I can see.

Q. Those are the contracts? *A.* This is the contract for the building of the Assembly Chamber—this one.

Mr. Corbin—I offer in evidence this contract, dated May 12th, 1891, between James Lanning, of Trenton, and the State of New Jersey, with certain specifications attached, and ask that it be marked "Exhibit 138."

Q. There are no plans attached to that contract, are there? *A.* No, there are not.

Q. Were there ever? *A.* Not that I know of.

Q. Where, then, are the plans which went with that contract, and referred to therein? *A.* The plans were about the State House, in Mr. Ford's office.

Q. Did Lanning sign them? *A.* I don't know.

Q. Did anybody sign them on behalf of the State? *A.* I don't know; I don't think that I was present when the contract was signed.

Q. Were any filed anywhere? *A.* Yes, Mr. Ford had a set of plans.

Q. Well, did you consider that a filing, to leave them with Ford? *A.* Well, there were four or five copies; I recollect that Mr. Ford requested to have a copy.

Q. Can you tell me where any copy is now? *A.* I left a copy here when I got through.

Q. What was that, a tracing or a blue print? *A.* That comprised the preliminary plans.

Q. No, was it a tracing or a blue print—that copy that you left here? *A.* They were both tracing and blue prints.

Q. Did you leave two copies? *A.* I will explain that there was preliminary plans upon which the builders estimated, and that during the progress of the work, that a vast number of working drawings were made for the illustrations of the methods of doing work.

Q. Yes, I understand that there must have been working drawings in work of this magnitude, but were there not a set of plans on which the bidders bid and which are referred to in this contract—a definite set of plans settled upon? *A.* Yes, sir.

Q. Where are those plans? *A.* I left a set with Mr. Ford.

Q. Have you any set yourself? *A.* I don't know that I have a complete set left.

Q. There were some tracings made, weren't there, and from those you took blue prints and copies, as usual? *A.* Yes, sir.

Q. Where are those tracings? *A.* During the time the work was under construction I necessarily had my office—

Q. Really that don't answer me ; I don't like to interrupt you, but where are all those tracings, do you know ? A. No, I do not.

Q. Where did you last see them ? A. I last saw them where I last left them, in the Attorney-General's office.

Q. Did you leave the tracings in the Attorney-General's office ? A. I left a full set of all the—

Q. A full set, now, of what, tracings or blue-prints ? A. Both.

Q. You left a full set of tracings and a full set of blue prints ?

A. No, not comprising a full set of tracings and full set of blue-prints.

Q. Between the two you think there was a full set there ? A. Yes, sir.

Q. Were they signed by you ? A. I think they were all signed by me.

Q. You simply left them in this unoccupied room ? A. Yes, sir.

Q. In anybody's charge, particularly ? A. Yes, sir ; I left them in Mr. Ford's charge.

Q. Do you mean to tell us that you built that great building, at a quarter of a million dollars' expense, and never filed a set of plans with any public officer ? A. No, I do not.

Q. Who did you file them with then ? A. With Mr. Ford, who was Superintendent of the capitol.

Q. You filed a set with Mr. Ford ? A. Yes, sir ; I left a set with him.

Q. Can you kindly state about the date when that was filed ; was it before the work was done or after ? A. Both.

Q. You filed a set before, did you ? A. Yes, sir.

Q. Was the set which you filed with Mr. Ford before the work was commenced, a set of blue prints or a set of tracings ? A. I think they were blue prints.

Q. Well, when you say you filed them you mean you handed the Superintendent of the State House a copy ? At his request ; yes, sir.

Q. Did you file them in the Mercer County Clerk's office ? A. No, sir.

Q. Nor in the Comptroller's office ? A. No, sir.

Q. Nor in the State Treasurer's office ? A. No, sir.

Q. Nor in the Secretary of State's office ? A. No, sir.

Q. Nor with the Governor ? A. I won't say that the Governor did not have a set ; I think the Governor had a set ; there were four or five ; I recollect particularly, as to Mr. Ford having a set, and I don't recollect whether I did that by direction of the

Governor or not; I have an impression that I gave a set to Ford by direction of the Governor.

Q. The Governor was the officer who had by the joint resolution the charge of this whole thing, wasn't he? *A.* Yes, sir.

Q. Of course you furnished blue prints? *A.* Yes, sir.

Q. Is there any place now where I can find a set of the plans by which this building was erected? *A.* I can't say.

Q. Have you a set in your possession? *A.* Since I have been subpoenaed by this Committee and requested to bring the plans here I have searched my office and found a large bundle of the plans relating to this work which I have not unrolled and examined.

Q. Did you bring them with you? *A.* I brought them with me.

Q. What are they, blue prints? *A.* They are blue prints and tracings and all characters of drawings.

Q. Working drawings chiefly, are they not? *A.* Working drawings chiefly.

Q. Were the original plans referred to in this contract altered during the progress of the work? *A.* No.

Q. Not at all? *A.* I think not.

Q. The original plans as drawn hadn't any provision at all for heating the building, had they? *A.* The contract for the construction of the building.

Q. If you would answer a little more explicitly, Mr. Moylan, we would get on so much faster. Did the original plans show any provision, whatever, for heating and ventilating the building? *A.* Yes, sir.

Q. What? *A.* Well, I will tell you; the question of heating and ventilating was then under consideration by the Governor, and the method to be followed was not decided up to the time the building had been commenced.

Q. Was it ever decided by you? *A.* It was decided by the Governor.

Q. Did you draw any plans showing the method of heating and ventilating? *A.* No, I made the specifications.

Q. What was done then—without any drafted plan, was it? *A.* It was made under specifications.

Q. You see you go right off from my question; I asked you whether it was made without any drawn plan; a specification isn't a plan? *A.* Yes, sir; the only plan that was referred for the purpose of bidding upon the work and referred to in the specifications are the plans already made for the building.

Q. That is all? *A.* Yes, sir.

Q. But this don't show the location, nor the style, nor character of pipes, ventilating apparatus, do they? A. They did not and they do not require it.

Q. I showed you four contracts, of which you selected one with James Lanning, and said that was the contract for the erection of the Assembly Chamber; I show you another dated October 13th, 1891, between the State and Convery & Walker; does that not also relate to part of the work? A. No, it does not.

Q. What does it refer to? A. It refers to wardrobes for the use of the members in the cloak-room, lockers.

Q. You don't consider that part of the building? A. No, I do not; I consider that furniture.

Q. And the other two which I handed you both with the New Jersey School Furniture Company, those also refer to furnishing the same chamber, do they not? A. This one refers to furnishing the desks for the members and chairs for the members of Assembly.

Q. All that is furniture? A. That is furniture; this is simply a memorandum in reference to the same subject.

Q. Was there no other written contract made for erecting the building or any part of it but this one with Lanning which you have spoken of—"Exhibit 138?" A. No; I will say that there was a contract for ventilating and such work as that.

Q. Who actually drew the plans for the new Assembly Chamber; did you or some one under you? A. They were drawn partly by me and by a draftsman in my employ.

Q. Was there not one gentleman in particular who had to do with it under you and who was here upon the work while it was in progress? A. I will say in explanation of the matter—

Q. Can you not answer me that; was there not one gentleman? A. My partner in business was associated with me.

Q. Who is that? A. Mr. Lucius.

Q. And he had charge of it while it was in progress, did he not? A. With myself he was here acting with me.

Q. How long have you been an architect? A. I do not as a rule practice the profession of architecture, for I am a civil engineer, but I have been in the employ—I have been an engineer for some thirty years and the greater portion of that time in the employ of railroads; my connection with railroad construction and with buildings which form part of them, has given me such knowledge of architecture as I possess.

Q. Wasn't your principal business previous to building this Chamber, land surveying? A. My principal business was civil engineering.

Q. And where did you practice that? *A.* I have an office in Jersey City, which is principally civil engineering. I also have an office in New York, 71 Broadway, and have had for a number of years, where my architecture work and designing of bridges is carried on.

Q. You were a town surveyor for some of the northern townships of Hudson county, were you not, for a period of years? *A.* Yes, sir.

Q. And wasn't that your principal and chief employment up to the time you took charge of the Assembly Chamber? *A.* No, sir.

Q. What was your principal employment? *A.* I was for about seven years in the employ of the New York elevated railroads as assistant chief engineer of the road—I speak of the New York elevated railroads, building the lines upon Third avenue and Ninth avenue. Subsequent to that I was assistant chief engineer of the West Shore Railroad for, I think, about four years. Subsequent to that I occupied a similar position on western roads for a few years—upon the Atlantic and Pacific Railroad, a line about 815 miles in length, of which I had charge of the maintenance of way and track repairs, bridge building and water ways.

Q. That was the same line of business, railroad building, construction and maintenance? *A.* And aside from that, municipal improvements and work of that character.

Q. Building of sewers and paving of streets? *A.* Yes, sir; and I want to say that it is totally different from land surveying—a wide distinction.

Q. I wasn't aware of your railroad connections. What buildings did you design and erect prior to the erection of the Assembly Chamber? *A.* I don't think I designed any in my private practice; I have had general supervision of plans and the preparation of plans for railroads.

Q. As the engineer to whom they were submitted? *A.* Yes, sir.

Q. But the Assembly Chamber was the first building that you ever, as architect, designed and erected, was it not? *A.* Yes, sir. I would say that a greater proportion of my engineering experience has been in the employ of railroads, and it is only a few years back that I took up the private practice—since my return from the West.

Q. But you were known as an engineer, and not as an architect, prior to that time, is it not so? *A.* Yes, sir, principally.

Q. Can you make any suggestion which would help us to find

a complete set of plans of this building; I would like to see a set? *A.* I will aid you all I can.

Q. Where shall we look for them? *A.* I think you should look first—

Q. I will state to you that we have found a number of blue prints in the cellar of this building; that is all we have been able to get at, possibly one tracing; where ought we to find the rest?

A. I presume those are a part of what I left. You should find a set in the office of the Superintendent of the Capitol, and while I have not looked over the bundle of plans that I found stored away in my office—never expected to use them again—we may find a complete set there. Of course this is three or four years ago, and my recollection is not perfect upon the matter.

Q. But there were none formally filed in any office, were there, that we could get at? *A.* Other than what I gave to Ford? I recollect giving them to Ford at his request: it seems to me that the Governor consented to that, or it was the general understanding that Ford should have a set.

Q. You have referred to a contract having been made for the heating and ventilating of the Assembly Chamber; who took charge of making that contract on behalf of the State? *A.* The Governor and myself.

Q. And with whom was that made? *A.* That was made with the Gouge Ventilating and Heating Company, of New York.

Q. Was it in writing? *A.* The contract?

Q. Yes. *A.* Yes, sir.

Q. There were no plans, I understand you—only written contract—except the general plans of the building? *A.* Except the general plans of the building.

Q. Afterwards this chamber was ventilated? *A.* Yes, sir.

Q. Did the same contractor do that? *A.* He did.

Q. Did you have anything to do with that? *A.* I had nothing whatever to do with it, and I know nothing about it.

Q. Who had to do with that on behalf of the State? *A.* I don't know.

Q. You drew no plans for it? *A.* I drew no plans for it.

Q. Nor made any specifications? *A.* No; it was done after I ceased to be a member and my connection with the State had ended, until about a year afterwards I understood the thing was done.

Q. Do you happen to know who the Gouge Ventilating and Heating Company are? *A.* I only know Mr. Gouge, who is at the head of it.

Q. Where does he live? A. He lives somewhere up about New York or Rye.

Q. How long have you known him? A. I have only known him since the ventilating of the Assembly Chamber was first discussed.

Q. Who brought him to your notice? A. The Governor.

Q. Did you have any business transactions with him or his company, except in this instance? A. No.

Q. Did he come here to make his contract, or did you go to New York to him? A. He came here.

Q. Anybody else come on behalf of this company? A. Not that I know of.

Q. You met him several times, did you? A. Yes, sir; I met him several times, and in New York as well; I was introduced to him by the Governor.

Q. Where did you meet him in New York? A. I have met him in New York in his office, and I have met him in the Governor's office.

Q. Where was his office? A. His office was in Beekman street.

Q. How frequently did you meet him here? A. I can't say; I had occasion, of course, to meet with him and deal with him during the time he was working here.

Q. How often did you meet him at the Governor's office? A. I met him at the Governor's office once or twice, and I met him—

Q. With the Governor? A. Yes, sir; and I met him here with the Governor, I should think half a dozen times previous to any contract being made and while the subject of ventilation was under consideration by the Governor.

Q. The plan of the ventilation was left very much to him, I suppose, you not having made a plan of it, or did the Governor make the plan? A. The Governor conferred with him as a man engaged in the heating and ventilating business.

Q. Can't you tell me that, who made the plan, that is all; who made the plan—who determined about the plan for the heating of the Assembly Chamber? A. The Governor principally; I will say that the specifications did not limit us to a particular plan, and the adoption of the plan was a matter for the Governor.

Q. Who drew the specifications? A. I drew the specifications.

Q. Did you consult with Mr. Gouge with reference to that. A. I did.

Q. And it was after receiving his suggestions that you prepared them? A. Yes, sir; after suggestions with him and conferences upon the whole subject with myself and the Governor.

Q. The specifications looked to obtain certain results, and left the details very much to the contractor, did they not? *A.* Yes, sir; and I understand for its success as well.

Q. (By Senator Ketcham)—Did Mr. Gouge bid upon the work? *A.* Yes, sir.

Q. (By Senator Ketcham)—Did any others bid? *A.* Not that I know of.

Q. (By Senator Ketcham)—Did any others try to bid, as far as you know? *A.* I don't know. During the time that bids were being received and under consideration I saw some other parties in New York and asked them to look into the matter and to bid upon it; I don't know that they bid; it was advertised for bids and my impression is that Mr. Gouge was the only bidder.

Q. Who were the others whom you saw and invited to bid? *A.* I don't recollect their names at the present time. While the subject was under consultation I had a conversation with Mr. Sterling, the president of the National Storage Company in New York, with whom I am very well acquainted, and we had considerable—

Q. He is not a ventilating man? *A.* I was about to say—considerable discussion on the subject of ventilation, and he referred me to some parties in upper Broadway, I think in the neighborhood of Worth street or Thomas street.

Q. Do you recall their names? *A.* I can't recall their names now; I saw them and requested them to bid upon this work; I told them it was open to any plan of ventilation that would be satisfactory to the Governor and would accomplish the results.

Q. Who received the bids? *A.* The Governor.

Q. And your impression is that but one was received, and that is the Gouge? *A.* That is my impression; I wouldn't say that it was any more than an impression.

Q. You had nothing to do, then, with the opening of those bids and awarding the contract? *A.* No, the custom was—

Q. That is sufficient, I don't care for the custom. That work, then, was not under your supervision? *A.* Yes, sir, it was.

Q. The work of ventilating as well? *A.* Yes, sir.

Q. Did you make any suggestions during its progress? *A.* Yes, sir.

Q. Were some changes made in it during its progress? *A.* Yes, sir.

Q. What? *A.* There were no changes I think that conflicted with anything in the specifications, because the specifications did not prescribe everything particularly, but rather prescribed the general requirements of ventilation and the general method that

was to be followed, and in that there were certain distribution of radiators throughout the building, which I considered during the progress of the work could be improved.

Q. I show you contract, dated June 23, 1891, between the Gouge Heating & Ventilating Company and the State of New Jersey; is that the contract and specifications to which you have referred? *A.* Yes, sir.

Q. And you drew those specifications? *A.* Yes, sir.

Q. They are all in the nature of general statements, are they not, without anything specific? *A.* No, that is not a fair statement of those specifications.

Q. With the exception of the statement of about the number of radiators desired and the number of feet desired to exhaust, aren't the entire specifications mere general remarks on the subject? *A.* No, I don't think that is a proper definition of the term applied to specifications.

Q. You think there are other things here that are specific, do you? *A.* Than those, yes, sir.

Q. But they left the matter really to the contractor to put in anything that he thought would heat and ventilate the building, didn't they; look at them?

Senator Ketcham—Is the price stipulated in those papers?

Mr. Corbin—The contract gives the price, yes, sir.

Senator Skirm—I didn't hear any remarks or any reply to the question as to how long this gentleman had been an architect; did he make any?

Mr. Corbin—No, sir; except to say that was his profession, but this building was the first building which he ever designed and erected; his business was rather in the nature of railroad engineering and in that capacity plans for railroad building have been submitted to him to consider.

Witness—That is so, in the nature of my position.

Q. Are they not all, with the two exceptions I have mentioned, of the most general character? *A.* No, it isn't right to say that they are of the most general character.

Q. What is there that is specific other than what I have mentioned? *A.* What did you mention?

Q. I mentioned about the number of radiators desired and the quantities of air to be exhausted; I think there is an estimate of those there; isn't substantially everything else left to the contractor? *A.* The requirements in each particular room of the building are specified—the requirements of ventilation.

Q. That is the number of feet to be exhausted? *A.* The number of feet to be exhausted and the number of openings for the purpose.

Q. Right on that point while you are there—the openings from the outside in this system were left by the mason, were they not, in the construction of the building under your directions? *A.* Partially so; the building had progressed to that degree before the ventilating work was commenced.

Q. But there is practically an opening under every outside window left there by the masons? *A.* Yes, but it became necessary to make more openings afterwards, and the ventilating contractor made those, and in other cases they were made by the contractor; that is, a space left in the brick work, but that was not supposed to include all the work that was done in making that inlet. The specifications prescribed that the reflector plans, or the adjustment of inflow and outflow, are to be provided; the branches and leaders to be connected with the main shaft, describing the material of which they are made, and carrying to the roof ventilating exhaust cap—a particular description of what is to be done.

Q. What do you refer to when you say that? *A.* To that (indicating).

Q. What clause do you refer to when you say “particular description of what is to be done?” *A.* I refer to a clause on page 1, where it says, central main shaft shall start from the glass ceiling in the Assembly Chamber.

Q. That scheme was one devised by Mr. Gouge? *A.* Yes, sir.

Q. You put that in as he gave it to you? *A.* Yes, sir.

Q. (By Senator Voorhees)—Were these drawn for the Gouge plans specially? *A.* No, sir.

Q. (By Senator Voorhees)—I understand that these plans, or this contract rather—I don’t know what to call it—these specifications were drawn at the suggestion of the man to whom afterwards the contract was awarded, is that so? *A.* I will read—

Q. (By Senator Skirm)—Why don’t you answer that question? *A.* What is that, sir?

Q. (By Senator Voorhees)—These plans, so called, were drawn at the suggestion or upon the suggestion of the man to whom the contract was afterwards awarded? *A.* Yes, sir; and it is right to say in connection with that, in order to avoid misunderstanding, it don’t appear from the specifications, but the bidder may submit his bid for any plan varying in its details from those herein referred to that will accomplish complete ventilation and create a vacuum, which plans may be approved by the Governor,

and of the fulfillment of which he shall be the sole judge, and under those circumstances it was impossible to make particular drawings of any particular plans, and so this specification aimed at the general requirement under which the contractors were allowed to submit.

Q. Wasn't this specification drawn after that contract had been awarded to Mr. Gouge and not before? *A.* No.

Q. And yet you had Mr. Gouge's suggestions as to how it should be drawn? *A.* Yes, sir, for he was in it a long time in conference with the Governor.

Q. Mr. Gouge then practically dictated a specification upon which the contract was made, did he not? *A.* No, he did not.

Q. (By Senator Skirm)—Do I understand that you drew those plans, or did somebody else draw them for you? *A.* The specifications?

Q. (By Senator Skirm)—The specifications, yes; did you draw them, or did somebody else draw them? *A.* They were drawn by myself and by my associate in business.

Q. (By Senator Voorhees)—Did you ever draw any others for heating and ventilation? *A.* No, sir; I think not.

Q. (By Senator Voorhees)—Have you ever seen others drawn? *A.* Not for a system of this character.

Q. (By Senator Voorhees)—Any kind of ventilation? *A.* General ventilation: only such ventilation as ordinary workshops and buildings of railroads have.

Q. (By Senator Voorhees)—Did you ever draw a plan that was as general as that before, or did you ever see a plan that was drawn so general as that—I mean specifications? Did you ever see another one drawn in that way—in that loose sort of a way? *A.* No; I don't think it is right to call this loose specifications.

Q. (By Senator Voorhees)—Call it what you please; did you ever see another set of specifications drawn in that way relating to heating and ventilation for a job that involved an outlay of \$17,000? *A.* \$21,000, I think.

Q. Did you ever see a contract, involving a contract of \$41,000, entered into in any such loose specifications as this? I don't like to characterize your specifications, but I think they are kind of loose. *A.* I don't agree with you as to their being loose.

Q. (By Senator Voorhees)—You can say "yes" or "no" in answer to my question? *A.* I won't answer your question fairly, Senator; I have no recollection, particularly, of other specifications for ventilation other than what I speak of in my experience in connection with railroad building; I do not agree with you

at all, that they are at all loose specifications, or a loose method of doing it; I want to say that, to my mind, it is an entirely business-like and commendable way of dealing with that question, and I thought so during the time that the Governor took hold of it in that manner, and I think so still.

Q. (By Senator Voorhees)—As an architect, you give that as your opinion? *A.* I do; yes, sir.

Q. I will ask you a question or two. You said this was done after considerable consultation and advisement with Mr. Gouge; he was called in by the Governor, was he not, as an adviser in this matter? *A.* Yes, sir.

Q. He was a former acquaintance and friend of the Governor, did you happen to know? *A.* I don't know.

Q. But at all events the Governor brought him in on this subject? *A.* Yes, sir.

Q. And the specifications which you finally drew grew largely out of suggestions of Mr. Gouge, jotted down, isn't that so? *A.* Yes, sir, that is a fact; I will say yes to that.

Q. So that wherein these are specific they were indicated by Mr. Gouge; the general observations here are yours; is that it? *A.* I wouldn't say that there is, but they were the product of conference with him upon the subject, and all the consultations that were had upon the subject of ventilation with him and the Governor which lasted several months.

Q. Did you happen to know who made the work for the Gouge Company, for example these shields that we see over the radiators, who made those? *A.* I don't know. I understood they were made by some foundry, I think, in Freehold, N. J.

Q. What is the name? *A.* I don't know; I simply heard of that incidentally and recollect that circumstance.

Q. And who made the radiators? *A.* The radiators were not part of this contract of Gouge's.

Q. Oh, not? *A.* No, sir.

Q. Then I have misread the specifications.

Senator Voorhees—So have I; they were to furnish these surely; no doubt you have misread those, but I think you have misread those if you think the radiators are not in them.

Mr. Corbin—The specifications are for materials and work required to furnish and erect a system of ventilating and steam-heating for the Assembly Chamber; then follow certain observations with respect to that subject and there is a page on cold air. The specifications for steam-heating require that there shall be about

seventy radiators averaging eighty square feet of heating surface, &c. Now the contract says that the party of the first part, which is the Gouge Company, will furnish all materials and perform all the labor necessary for the ventilation and steam-heating of the Assembly Chamber of the Capitol building in the City of Trenton, agreeably to the plans and specification thereof made by James Moylan, architect, which said plans and specifications are signed by the parties hereto, and a copy of which are hereto annexed. Now that contract does seem to include the radiators, doesn't it? A. Let me see it.

Q. Well, I will refresh your memory; I will read you the specification and the contract on the subject. They do beyond any possible doubt, as far as the significance of words is concerned, cover the radiators. Is it not the fact, although they did cover the radiators and the contract was awarded at twenty-one thousand six hundred and eighty odd dollars, that after the work was commenced the radiators were bought from another contractor, to wit, the Victor Radiator Company, and paid for to the tune of \$1,505, and that, notwithstanding that this company was paid its full contract price and was paid in addition \$2,700 for fitting up for the Victor. Isn't that the truth about it and didn't you certify all the bills? A. No, sir; that is not so.

Q. Just explain wherein that is inaccurate? A. In the first place this specification which is the specification upon which bidders bid, states that the bids for radiators must be separate from the rest of the work, and the bid therefor may be separately accepted for radiators.

Q. May be separately accepted? A. Yes, sir.

Q. Well, now as a matter of fact that contract covers everything in the specification? A. No, sir; it does not cover the radiators.

Q. Where were these typewritten specifications made, in your office? A. I made the first copy of the specifications and additional copies were made here in the Capitol building by typewriters here.

Q. You made the original? A. Yes, sir.

Q. What you have just read is interlined in that, isn't it—in the handwriting of the Governor? A. Yes, sir, that is interlined.

Q. That has been put into this copy, then, since this typewriting was done, hasn't it? A. No, it has not.

Q. Do you mean to say that that was interlined in all the specifications sent around for the people to bid on? *A.* Now, I want to make that question clear; the condition was in the specifications before the work was advertised and bid upon, that the radiators should be bid upon separately.

Q. That interlineation was in there before? *A.* Now, I think that that suggestion making the bids separate may have been made after some of those specifications were printed, and therefore I can only account for the fact of their being interlined in there now by the circumstance of using an old specification and inserting in it—

Q. Were you present when that interlineation was made? *A.* No, sir.

Q. Assume that all you say is so— *A.* I have a copy of the specifications and I recollect—

Q. Have you got it here with you? *A.* Yes, sir.

Q. Let us see it? *A.* (Witness produces the same).

Q. Assume that that is so, and that that interlineation was made—that has an interlineation here in the same way (referring to the paper produced by witness); whose handwriting is that interlineation? *A.* That interlineation is in the handwriting of my associate.

Q. And the one in this is in the handwriting of the Governor, is it not? *A.* Yes; I think this refers to this thing two or three times; I want to see if that is so.

Q. I think you will find it is a carbon copy of this; look at the bottom of page 12? *A.* That is copied on the same typewriter.

Q. I think you will find it is a carbon copy of the same thing; what is the last word on the page, “respective”? *A.* Yes, sir. Now, I have a distinct recollection that the question was referred to twice in the specifications.

Q. Let us not comment on it, but let us get on with our questions and answers? *A.* My recollection of that matter was very definite, and I think the specifications would show it.

Q. Assume that what you say is so, that this interlineation was made before you sent out these specifications for people to bid, nevertheless this contract which was actually made with the Gouge Ventilating Company calls for the furnishing of all the materials in those specifications, that includes the radiators; how does it come that that contract was afterwards awarded to the Victor Radiator Company, of Elizabeth, for radiators, and that paid in addition to this contract price? *A.* The date—

Q. Now can't you answer that; do you know how it came

about? A. I will answer that question; I will answer it fairly and if my answer isn't proper you may exclude it.

Q. Do you know how it came about? A. Yes, sir.

Q. How? A. I will say to you that the date of this contract with the Victor Radiator Company may be later, and I say to you positively—and I recollect it—that the bids for the furnishing and delivery of radiators for that building, and the bid for the ventilation of the building were received upon the same day and they were separate.

Q. Can you tell me why this Gouge Company contracted for the whole and did not do it all, and yet were paid the price for it all? A. That is the first time I have ever heard that suggestion in relation to it.

Q. Let me refresh your memory; isn't this the truth about it. That while this work was in progress by the Gouge Ventilating and Heating Company, Mr. John T. Dunn, of the Victor Company, came to Trenton and demanded a part of this work, and was it not then given to him to the extent of \$1,505, radiators, and he did that, and this company fitted up the pipes for him, isn't that the truth about it? A. No, sir, that is not the truth.

Q. How is that—they were paid for twice, then, and these papers show it on their face? A. I don't know that they are paid for twice; I don't believe they are paid for twice.

Q. Did you see the Governor make that interlineation? A. I can't say now that I did.

Q. Do you remember when it was made? A. No; I simply recognized the Governor's handwriting in that contract; I wouldn't say that I ever saw that contract before.

Q. When was yours interlined to correspond with it? A. It was interlined before the bids were received, and it was a matter of perfect understanding.

Q. You remember, do you not, that the Victor Radiator Company's contract for the radiators was a matter of \$1,500; you recall that, do you not? A. I recollect this.

Q. Do you or don't you recall that? A. Well, that is not the fact.

Q. You don't recall that? A. Yes, I do recall all about it.

Q. Do you mean to say that they didn't get their pay as the vouchers show here? A. But you want the answers; I say that the bids for the radiators were received and that Mr. Gouge submitted a bid for delivering radiators and so did Mr. Dunn upon the same day, and they were opened and publicly read in the Governor's room by the Governor, and that Mr. Dunn, who represented the Victor Radiator Company, bid a price of about

twenty-six cents a square foot of radiating surface, and that Mr. Gouge offered a bid of about thirty cents a square foot of radiating surface.

Q. (By Senator Voorhees)—Both of them worth about eleven cents a foot, I believe. *A.* They are worth more than that.

Q. You are right as to the Victor Company being twenty-six cents? *A.* You asked me if it was \$1,500; that wouldn't amount to that at twenty-six cents a foot.

Q. How does it happen, then, that the Gouge Company did sign a contract to put in the radiators? *A.* That was not the intention.

Q. It was not the intention? *A.* No, sir.

Q. You mean to say there is a blunder in the paper? *A.* Well, I don't assume to know anything about that contract; I don't admit that that is so, because I don't know anything about it, and I have had nothing to do about it.

Q. You had nothing to do about it? *A.* I had nothing to do with the drawing of that contract.

Q. Do you happen to remember that the Gouge Company was paid about \$2,700 for putting in fittings for the Victor Company for its \$1,500 worth of radiators? *A.* I recollect that the Gouge Company had an extra bill.

Q. \$2,700? *A.* Yes; and I know all about that.

Q. That they were paid for the ventilating apparatus \$23,680, and paid \$2,700 in addition, and the Victor Company was paid \$1,500 for radiators besides; is that it? *A.* Yes, sir; but it didn't cover the same work.

Q. Did the Gouge people furnish any radiators for the Assembly Chamber? *A.* Yes, sir.

Q. And the Victor, also? *A.* Yes, sir.

Q. What proportion did the Gouge people furnish? *A.* I wouldn't say, positively, now, but I think they furnished about one-third.

Q. About one-third of them? *A.* Yes, sir.

Q. How does it happen they didn't send in a bill for those, if they were not in their contract? *A.* I will tell you, because I want to tell you all—

Q. We want to know? *A.* I want you to understand their bill, and this I assure you—now, Mr. Dunn came here during the time the subject of ventilation was under consideration by the Governor; he represented the Victor Radiator Company, and he had a radiator to sell, and told us about the merits of it, and he bored the Governor about it, and the Governor wrote me about it and asked me to go down to Elizabeth, where this radiator

was made, and look at it, and see what I thought about it, and see whether it was adapted to the use for this purpose. Incidentally, I will say, that he asked Mr. Gouge, with whom he was in consultation upon the subject of ventilation, to go down and look at that radiator, and see whether it was adapted to his method of ventilation, and whether it was a good radiator. Mr. Dunn saw me here, in the State House, and in other places. He is a pretty persistent gentleman.

Q. He was particularly persistent in that matter, wasn't he?

A. He wanted to introduce the radiator in the State House and advertise it in that way; he wanted to sell some radiators; he wanted to advertise it. I looked at the radiator and looked at the work of it, and I thought it a good radiator, and told the Governor so; and Mr. Gouge reported to the Governor that he thought it was a good radiator, and that he could adapt it to his method of ventilation; and as I say, Mr. Dunn wanted to furnish radiators in this building.

Q. He rather insisted upon it, didn't he? *A.* Well, he isn't a very modest man; I don't know but what anything that Mr. Dunn would do would be rather in the nature of insistent.

Q. The Governor finally yielded? *A.* The Governor finally told him if he wanted to introduce the radiators in the Capitol that he would have to submit a bid, and if he was the lowest bidder he would get the job. Pursuant to that direction and understanding, the specifications for the heating and ventilating the building, which may have been in the form in which they are printed, were modified previous to the respective bids for heating and ventilation so as to give Mr. Dunn a chance to bid upon this work.

Q. Where is Mr. Dunn's bid now? *A.* I don't know.

Q. What is Mr. Gouge's bill? *Q.* I don't know.

Q. Don't you think you could look them up for us and let us see them; you see we can't find any bids in this State House at all for anything? *A.* They were never in my possession; they were read by the Governor in his room and I was present, and I don't know anything more than that about them. I presume that they passed into the hands of his private secretary, and I understand that his private secretary drew up those contracts.

Q. (By Senator Voorhees)—Now, then, what we are after and what you were going to explain when you started out, and what we want to get at, is this one-third of the total number of radiators furnished here and then charged for—. *A.* Yes, I will tell you about that; I think you ought to ventilate this subject as much as possible; I hadn't anything whatever to do with this

building. Now, the radiator that Mr. Dunn had was a simple form of radiator with the circulation running entirely continuous in it.

Q. (By Senator Voorhees)—Let me say this, that the Chairman knows all about that radiator and I don't want any more of John Dunn's radiators; what I want to get at is this. One-third of the radiators were Dunn's and he put in a bill for— *A.* In the usual form in which those radiators were made, with a single coil—

Q. (By Senator Skirm)—Why don't you give a direct answer to the question, instead of going away around the Senate Chamber two or three times.

Q. (By Senator Voorhees)—Get out of those coils and just say why it was that Mr. Gouge did neither put in a bill and was not paid for the one-third of the radiators that he furnished under the contract—that is what we are after and not about the coils. *A.* It is for this reason that the radiators were required to be of different pattern.

Q. (By Senator Voorhees)—We know that one isn't worth a snap and the other is a good one; we will take that for granted. *A.* In order to do that it was necessary to make the Victor radiators in a different pattern from what they had been usually made, and when they came to do that for the first time it was found they did not work satisfactorily, that the admission of the steam—

Q. (By Senator Voorhees)—I know this that you have to use a tin drip pan underneath to catch the water where they leak; but to come back to the question.

Q. (By Senator Skirm)—Why don't you answer the question instead of stating facts that we know, and that you know that we know?

Q. (By Senator Voorhees)—Why were not these one-third of the radiators paid for by the State outside of the contract? *A.* Because the Dunn radiators in their modified form were found to be unsatisfactory and I concluded that they wouldn't answer.

Q. (By Senator Voorhees)—Now let me ask you there; did the Dunn Company—did they replace them with these other radiators? *A.* No, they did not.

Q. (By Senator Voorhees)—Who paid for the radiators which replaced them—the one-third, who paid for those, did the State? *A.* That don't entirely cover the same radiators.

Q. (By Senator Skirm)—Allow me. Why don't you get a direct answer, yes or no; if you do know you certainly ought to be able to answer the question, but you simply evade every question that is asked you? *A.* No, sir, I will not allow you to say

that : it isn't fair ; I don't evade anything and I don't think anybody besides yourself thinks so.

Q. The Victor Radiator Company had a contract to furnish radiators for the Assembly Chamber, did it not? A. Yes, sir.

Q. Was it paid for, then? A. Paid for what they furnished.

Q. Paid according to the contract price? A. Yes, sir.

Q. Now, you said a few moments ago, that about one-third of all the radiators furnished to the Assembly Chamber were furnished by the Gouge Company? A. Yes, sir.

Q. Why weren't they paid for, then? A. Some of them were not furnished, and some of those that were furnished—

Q. Why weren't they paid for what they did furnish? A. Who?

Q. The Gouge Company? A. They were paid for what they furnished.

Q. For the Assembly Chamber—they didn't put in any extra bill for that, did they? A. Who?

Q. The Gouge Company? A. Yes, they did.

Q. For extra radiators? A. For radiators they furnished.

Q. In addition to their \$23,680? A. Yes, sir; the \$23,680 didn't cover the radiators; I say that the Gouge contract did not include the radiators, and I always so understood it.

Q. (By Senator Voorhees)—Think this over and try and help us out? A. No, I don't need to think it over; I recollect it very well.

Recess.

EDWARD D. FOX, sworn.

Direct examination by MR. CORBIN.

Q. Where do you reside? A. Trenton, N. J.

Q. And what is your employment? A. Executive Clerk to the Governor.

Q. How long have you been Executive Clerk to the Governor? A. I am now on my 30th year.

Q. Have you been continuously at the State House during that time? A. Yes, sir.

Q. And have you charge of the files of the Governor's office? A. Yes, sir.

Q. Have you the bids that were given in to the Governor for the building of the new Assembly Chamber? A. I have not, sir.

Q. Have you any of the contracts relative to that work? A. Not one of them.

Q. Have you any plans or specifications? A. No, sir; I have not.

Q. What became of these papers relative to that work that were in the custody of the Governor's office? A. The contracts, I have always understood, were on file with the Comptroller—the place where they should have been, at least.

Q. Well, as to the files which you had in your office, what became of them? A. At the end of Governor Abbett's term I asked him about what papers he wanted to take home, and he said he wanted everything; I packed up everything there was in the office.

Q. When you say everything that was in the office, you mean everything that related to his three years' term? A. Yes, sir.

Q. And what did you do with them? A. They were sent by express to Jersey City, to his house.

Q. Have you anything left in your office at all of the Governor's files relating to that period? A. No, sir; I have not.

Q. Do you know where I could find these bids? A. No, sir; I wouldn't know; they may be among these papers.

Q. That is, that you sent away? A. Yes, sir.

Q. But you are quite sure you have nothing in your office? A. I am quite sure; when our vault was refitted up, everything that pertained to anything that belonged to Governor Abbett was sent away.

Q. Not only with reference to this matter, but everything else pertaining to his term? A. Yes, sir.

Q. Is that the usual course? A. Well, yes: the usual course is for the Governor to take all his personal papers, or matters of that kind.

Q. That is, which relate to his office? A. Yes, sir, but I have never known everything to be taken before.

Q. Except on this occasion? A. Except on this occasion.

JOHN BONNELL, sworn.

Examined by MR. CORBIN.

Q. You are the Custodian of the State House? A. Yes, sir.

Q. And when did you assume that office? A. May 28th, 1894.

Q. You immediately succeeded Mr. Ford, the Superintendent, did you not? A. About ten days after Mr. Ford went out of office.

Q. Do you occupy the same rooms which he occupied? A. Yes, sir.

Q. What did you find in the way of files and papers there? A. I didn't find any papers except some stationery belonging to the office, with the Superintendent's name on.

Q. Blank stationery? *A.* Blank stationery and envelopes.

Q. Any bids? *A.* No bids.

Q. Or plans? *A.* Well, in the vault under my office there was some blue prints or drawings.

Q. That is down cellar? *A.* That was down cellar.

Q. But in the office you found nothing? *A.* I didn't find anything; there wasn't anything in the desk.

Q. Can you tell us where we can find, other than blue prints, any plans or bids or specifications relating to this work? *A.* No, sir; I don't think there is any in the building; that is, in my department.

Q. Then the files of that office were all gone, were they? *A.* All gone except this stationery.

Senator Voorhees—What was the amount involved in these various improvements?

Mr. Corbin—I never totaled it up, but it is a very large sum of money—the new Assembly Chamber—something like a quarter of a million of dollars.

Senator Voorhees—And there are no plans and specifications for that?

Mr. Corbin—Except certain blue prints we find in the cellar which are principally detail drawings.

Senator Voorhees—Do you think any private individual would conduct his business in that way?

Mr. Corbin—Counsel is not able to answer.

Senator Voorhees—Wouldn't he be able to answer no?

Mr. Corbin—I have kept the plans of my house, I'll say that much.

Q. Did you find any records there that shows the State House supplies for the past, or anything of that kind? *A.* No, sir.

Q. Do you mean to say there was no record left in that office of any sort? *A.* No, sir; there wasn't any record of any kind left there.

Q. Nor any files? *A.* Nor any files.

Q. (By Senator Voorhees)—Again I would like to ask what is the duty of the Custodian? *A.* To look after the building, keep it heated; keep it clean; buy the supplies under the direction of the State House Commission. All bills are submitted to the State House Commission after they are contracted by the Custodian after approval, and then ordered paid by the Commission, with my approval. I was going to say that all orders for large amounts of goods I make application for what I want, exceeding \$100.

Q. (By Senator Voorhees)—Is there a record kept of those?
A. Record kept of those.

Q. That is under the act of 1894? *A.* That is done through the order book in the Treasurer's office and the bills are checked up by the stub after the goods come in.

Q. That is your present practice? *A.* Yes, sir; present practice and under the act of 1894 says all supplies must be ordered by the State House Commission.

Q. I understand you—anything that you order in excess of \$100 you submit to the board? *A.* To the Commission.

Q. Consisting of whom? *A.* Governor, Comptroller and State Treasurer.

Q. Do you now keep a record of what you buy? *A.* On the order book; yes, sir.

Q. And when the bills are rendered and approved by the Commission, then you take and check up the bill with the stub of the order book? *A.* Yes, sir.

Q. Have you the record which shows everything you have purchased in the past? *A.* About everything; there may be a few small orders I have never placed—that we don't send an order for if in a hurry for—not exceeding \$2.

Q. (By Senator Skirm)—Let me ask you one question. You succeeded Mr. Ford, you say; did he turn over his office to you?
A. No, sir.

Q. You had no intercourse with him? *A.* No, sir.

Q. (By Senator Skirm)—So that you simply found an empty office when you came? *A.* An empty desk; in the closet was stationery, but there were no maps; I looked for those; no specifications or plans.

Q. (By Senator Skirm)—But no books or papers that pertained to the business of the office? *A.* I haven't any; there wasn't any left there.

JAMES MOYLAN, recalled.

Examined by Mr. Corbin.

Q. I show you a tracing which we have found in the cellar of the State House with "James Moylan, Architect," in the corner. Is that the ground plan of the new Assembly Chamber as designed by you? *A.* That is the location plan of the foundation.

Q. Well, is that one of the plans referred to this morning?
A. Yes, sir.

Q. Did the work proceed according to that plan? *A.* Yes, sir.

Q. And it is one of those mentioned in Mr. Lanning's con-

tract, is it? *A.* Yes, sir; it is one of the plans that was executed for the bidders to bid upon—one of those referred to.

Q. This is the original, is it not? *A.* I think so.

Q. Did the contractors sign any plans? *A.* I don't know.

Q. The contract says, "which plans and specifications are signed by the parties hereto, and a copy of said specifications is hereto annexed." You think the actual signing was perhaps omitted? *A.* I don't know anything about that.

Q. This plan does not appear to be signed, does it? *A.* No.

Q. This contract calls for the furnishing of all materials and the performance of all labor necessary for the masonwork and carpenter work, plumbing, gas fitting and all other necessary work to be done, and materials to be furnished in and for the erection and completion of a new assembly chamber. Then all the work done on this plan should be done by the contractor, Lanning, should it not? *A.* Yes, sir; I will state that this plan shows the location of the old engine house and coal house; that was no part of it.

Q. That shows work that was done before this plan was made, does it not, buildings already standing? *A.* Shows the old building; that building was afterwards altered.

Q. Let's be clear about that; the building marked here "old engine house" is not included, you say, in the work that was done? *A.* No; that was the plan to illustrate the location.

Q. And the building marked "coal-house"; how as to that? *A.* That is not included; that was there; that was afterwards altered.

Q. Altered under the contract, or outside of the contract? *A.* It was altered to make more room for an electric plant, which was put in.

Q. Was that alteration provided for in this contract and specification? *A.* Oh, no.

Q. This contract, then, was to furnish all the necessary materials, to do all necessary work to erect this building, was it not? *A.* Yes, sir; whatever was covered by his contract.

Q. Well, his contract covered everything but the ventilation and heating, didn't it? *A.* Yes, sir.

Q. Is that the one from which you took your blue prints? *A.* I don't know that I made any blue prints of this; I can't say; this is simply the foundation; the lowest level; there were others of the first floor, second floor and elevations, showing the interior of the building.

Q. "The contractor will take the building site as he finds it and make all excavations and trenches for piers, walls, cellar

drains, basements, &c., the required depth and do all necessary levelling." The contractor then undertook the excavation, did he not, and leveling? *A.* No, sir.

Q. He didn't? *A.* No, sir.

Q. What did that specification mean, then? *A.* It meant this, that the foundation—the cellar was dug before.

Q. You mean the cellar of the old Chamber? *A.* No, sir; the new one. The foundation was dug in the earth level, to about the level of the new basement floor or cellar floor, and he was to take it in that condition; take it as he found it; at the time that that contract was drawn and bidders were bidding, the work of excavating this cellar was going on.

Q. The old building was being removed, wasn't it, May 12th, 1891? *A.* The old building had been removed, and in addition to that the cellar had been dug.

Q. What is that excavation for walls and piers and so on then meant for, if it doesn't mean that he was to excavate? *A.* It means excavation for the sub-foundation of the walls below whatever level it was found to be at the time he took possession of the work to commence work. It was excavated roughly to about the required level for the cellar, and below that the walls would extend to the foundation.

Q. When you speak of the excavation already done you refer, I suppose, to the excavation done by Michael Hurley, do you not? *A.* Yes, sir.

Q. Was a contract made with him for that? *A.* I don't know that any written contract was made; there was a verbal agreement of it between himself and the Governor.

Q. A verbal agreement? *A.* At least, yes, sir; that I know of.

Mr. Corbin—I offer in evidence voucher No. 2,425, Michael Hurley, May 5, 1891, \$1,000 on account of removing old Assembly Chamber—"Exhibit 139." Also voucher dated May 19, 1891, Michael Hurley to the State of New Jersey, to raising and removing Assembly Chamber, total \$1,700, less \$1,000, paid on account \$700, both approved by Leon Abbett, Governor, and paid.

Q. Is that the contract to which you refer? *A.* No, sir.

Q. It is not? *A.* No; that is a contract for the removal of the old building.

Q. What other contract was there? *A.* A contract, agreement for digging the foundation for the new building, that was done in order to expedite the work, have so much done.

Q. Did you make the contract? *A.* With Hurley.

Q. Yes? *A.* No, but I was present when the matter was mentioned between him and the Governor.

Q. How was it done, by day's work or in what way? *A.* It was done by day's work, with the understanding that it was not to cost more than—I forget whether it was 25 or 30 cents a cubic yard; that was a reasonable price.

Q. And after the old building had been removed some excavation was done by Mr. Hurley, was there? *A.* Oh, yes; very considerable, because there was great depth and extent.

Q. Well, the contract with Lanning seems to have been signed May 12, 1891, that is, the contract to which you have referred. I find a bill here of Michael Hurley, June, 1891, there is no other date, but the date of payment will show it is sworn to June 3, 1891, for \$450 additional; approved by you. You verified that, did you? *A.* Yes, sir; I verified that.

Q. Mr. Hurley brought you the bill as soon as the work was done? *A.* I want to read this bill; yes, I identify that bill.

Q. Who made out the bill? *A.* The bill is evidently made out by him.

Q. You don't mean to say that is Hurley's handwriting? *A.* I don't know the handwriting of the party.

Q. Made out on a state blank, is it not? *A.* Yes, sir.

Q. By one of the clerks in the State House, is it not? *A.* I don't know.

Q. Well, this was, it seems, presented June 3, sworn to June 3. *A.* Yes, sir.

Q. Which was a matter of three or four weeks after the contract of Lanning had been signed? *A.* Yes, sir.

Q. This work went right on after his contract had been signed didn't it? *A.* Yes, sir.

So that the work of excavation done by Hurley was really done after the Lanning contract was signed? *A.* No, sir.

Q. How could it be otherwise? *A.* If I am allowed to explain I can explain. Hurley did the work of excavation for the new building, this one building; it is a matter entirely apart from this bill; this bill is for excavation for the enlargement of a boiler house made necessary on the introduction of an electric plant and the bill so states.

Q. This \$450, is that merely for the enlargement of the boiler house? *A.* For the digging in connection with that.

Q. That is under part of these plans that we have got here? *A.* No, sir.

Q. Where is it; show us. *A.* It is nothing at all to do with the building.

Q. Just show us where this excavation is done, thousand yards and one thing another— *A.* It was excavated between the new Assembly building—

Q. Just put your finger on the place? *A.* There.

Q. Well, that is part of your Assembly plans here. *A.* No, it isn't.

Q. Figures in red ink and black ink? *A.* No, sir.

Q. You mean to say the contract of Lanning didn't cover all of these plans? *A.* I mean to say the plans didn't cover everything on this sheet of paper; that is very evident.

Q. (By Senator Voorhees)—Did Mr. Lanning sign any plans at all? *A.* I don't know.

Q. (By Senator Voorhees)—Who prepared the plans? *A.* I prepared the plans.

Q. (By Senator Voorhees)—Who prepared the contract? *A.* I think the Governor's Private Secretary did.

Q. (By Senator Voorhees)—Who supervised the work? *A.* I did.

Q. (By Senator Voorhees)—Did you have a copy of the plans and specifications and maps? *A.* I had a copy of the specifications, because I had made those myself originally, and I had a copy of the plans.

Q. (By Senator Voorhees)—Who had the original? *A.* I filed a copy with the Superintendent Ford.

Q. As the architect, didn't you have them? *A.* I had the plans.

Q. Were they signed by these people? *A.* My impression is that they were not.

Q. Wasn't this an open and shut sort of an arrangement? *A.* No, sir.

Q. Stretch and narrow it as you chose? *A.* No, sir; nothing whatever about that; I will say that it was entirely—the arrangement—

Q. I don't mean to raise any question about your honesty, but those that had the contract seem to have had an easy job in this thing. You pointed out to me a few minutes ago what is called "old engine-house," "coal-house"—that they were simply put down here to show the location? *A.* Yes, sir.

Q. And the rest of it belonged to the contractor. Now you slice off another piece of the building, and say that that don't belong to the contract? *A.* No; I show you here now that that is ground; that is not a part of the building at all.

Q. This paper shows it there as a structure, and the structure is there now? *A.* No, sir; it isn't shown as a structure.

Q. These lines do not indicate any structure? *A.* No, sir; these lines do not indicate a portion of the Assembly Chamber; this shows the—

Q. On your interpretation you can practically draw your finger wherever you please and say this contract goes to any given point, can't you? *A.* No, sir.

Q. There is a mark indicated—put down—is there not? *A.* The outlines of the Assembly building is outlined and it is not capable of any interpretation.

Q. Then, what do these words, "floor level," mean, there is to be a floor there? *A.* No, sir; that is comparatively level.

Q. Then what does it— *A.* That indicates the comparative level of the—I think the Assembly floor.

Q. Level above the sea, I suppose? *A.* No; I think that is the level of the engine house.

Q. Doesn't floor mean floor? *A.* There.

Q. (By Senator Voorhees)—This engine house? *A.* Yes, sir.

Q. Why didn't you put that there instead of there (indicating) for this engine house? *A.* Because I think the engine house was contemplated to be extended, and that is an elevation above high water; that indicates the fact that the engine house level is about fifteen feet below the line, and I want to say—

Q. On this same place is shown, "foundation level seventy-two feet," foundation of what? And again, "below foundation level seventy-two feet," what is that the foundation of? Again, "top of wall eighty feet," what wall? *A.* It seems to me it means—I will look—the foundation level and the proposed extension of the engine house.

Q. Yes; well, these indicate that there is to be a floor there, to be a foundation there and to be a top of a wall there, do they not? *A.* Yes, sir.

Q. Have you not then indicated structures? *A.* They do not indicate any structures covered by this contract, and that is very plainly evident under the contract.

Q. Why could you not with equal propriety cut off any other part of the plan and say it was extra work? *A.* The plans for the building shows the other floors in addition; they show more clearly than this does what is covered by the contract.

Q. What is shown on this plan has been done, hasn't it? *A.* It has been done, yes, under another contract with Lanning.

Q. And what occupies that ground in fact, that we have been discussing? *A.* In the extension of the boiler room.

Q. And that extension of the boiler room connects the boiler room with the capitol, doesn't it? A. It comes up close to it.

Q. Can't you walk right under the roof all the way? A. It is very much below the level; you can get down there by means of getting a ladder.

Q. It is a cellar, isn't it? A. Yes, sir; part of the engine house and not of the capitol.

Q. Did you give a separate contract for the engine house? A. Yes, sir; there was a separate contract for the engine house.

Q. There was a change made of the old engine house afterwards? A. Yes, sir.

Q. That was a verbal contract, wasn't it? A. That was a bid which was submitted to the Governor for the doing of that work and signed and approved by him.

Q. Well, now, you say this digging bill of \$450 that I have just spoken of, is the foundation digging of that boiler house—that new boiler house? A. The bill states it is boiler house and—

Q. Now I show you another bill of Michael Hurley, July, 1891, for \$102; what is that for; it shows right on its face, doesn't it? A. Yes, it is some work in digging in connection with the boiler-house.

Q. It shows on its face, and it is approved by you, that it is for digging the cellar of the new boiler-house; every item says that; is that correct? A. Yes, sir; that is correct.

Q. Did they dig the cellar again? A. No, sir; the bills were paid as the work progressed.

Q. Now, I show you another bill— A. I want to call your attention while we are on that bill to the fact that that time was kept by the engineer who has testified here to-day.

Q. Now, here is another bill for Michael Hurley for digging, May 19th, 1891, right along the same time, removing wall and digging cellar of Assembly Chamber, \$812.50; look at that one; what is that for? A. That hasn't any date or dates; that is just one item; that is for digging the cellar for the Assembly building.

Q. I thought we dug that the first bill we got? A. No, sir, I think not; if we have, let's see.

Q. Well, was there left anything of all those bills that were paid to Hurley, what digging was there left for the contractor to do, if any? A. The digging for the foundations to get the sub-cellar-way below the level of the ground in which it was found when Hurley left it.

Q. Well, Hurley left it a considerable time after this contract was made, it seems; this contract says that the contractor will

take the site as he finds it; he found it on the 12th day of May, but you seem to have kept on paying Hurley until July for digging; what digging did the contractor have to do, if any at all? A. The contractor had to dig below the level of the ground, some part of it.

Q. That is, for the footing of the piers? A. Yes, sir; to make the necessary trenches. I will say that at the time the bids were being received that Hurley was at work digging that cellar, and that it was understood that he would excavate a cellar approximately to the foundation, leaving it necessary to dig only the trenches.

Q. Then the specifications say that the contractor shall also do the necessary refilling; what did that mean? A. Well, I don't know; I don't think it means much.

Q. No, I don't believe it does, for I see that Hurley got paid for refilling. A. There was no refilling in the matter of rebuilding the buildings.

Mr. Corbin—I offer in evidence two bills of Michael Hurley, one dated September, 1891, approved by the Superintendent, Mr. Ford, Mr. Abbett, September 15th, \$115.38. “Exhibit 141.”

Also bill of Michael Hurley, December 9th, 1891, for \$230.02, for filling and sodding behind new Assembly building. “The work is done and the cost is reasonable. James Moylan, Architect.”

Q. Is that your signature? A. Yes, sir.

Marked “Exhibit 142.”

Q. Well, can you think of anything that was left for the contractor to do in the way of digging or refilling except the footing of those piers? A. You are speaking upon those bills?

Q. I am speaking upon this contract and specification which you drew, which said he was to do all necessary excavation and filling? A. The digging of the trenches and the debris from the surrounding banks that came down upon the level at which he commenced.

Q. Practically the contractor did a little if any filling or cutting, isn't that so? A. Well, there was considerable cutting from the fact that he went below the surface for those trenches.

Q. (By Senator Skirm)--Don't you know how much he went below the surface; as architect, I should suppose you would know? A. Yes, sir; I think he went three feet below in the trenches all around.

Q. Go over them? A. No; but the cellar was not excavated

to a smooth, nice level; it was rough; the banks on the side had fallen in and broken up; it was roughly taken out.

Q. That is the trenches for the Assembly building? A. For the wall.

Q. I show you Mr. Hurley's bill for digging trenches for the Assembly chamber, \$450. A. You have called my attention to this bill, and I explained it.

Q. I now call your attention to it again. A. Yes, sir.

Q. It says "trenches for Assembly walls;" that is what you have described. A. The upper part of the bill is made out in that way, and evidently made under a misunderstanding; I find written here "a thousand cubic yards in trenches for cellar and boiler; 40 cubic yards walls of the old boiler-house taken down, \$50—\$450;" now—

Q. You wrote that upon it, and that gave it some sort of a standing, and it was paid? A. Yes, sir; the reference to the Assembly building is evidently a misunderstanding of some one who made out the bill; I don't know who.

Q. How often did you come here while the work was in progress? A. Not less than four days a week; I made it a rule to be here four days a week, sometimes five.

Q. How often did your partner come? A. Well, I think he was here an equal amount of time, substantially; we were here very usually together; when he was not here, I was here.

Q. How long did the construction of the building occupy? A. From about the middle of May until the organization of the next Legislature, which was about the middle of January following; the building was barely finished in time, in fact there was a little work being done in the cellar and around; the thing wasn't entirely completed until after the Legislature met.

Q. The chairman asked you to think over the matter during recess and state whether you could assist us to find a set of these plans; have you any new suggestions to make? A. I have no new suggestions to make; but I will say to you that I will endeavor to get you a set of these plans, or any other information you require.

Q. The State paid you for these plans? A. Yes, sir.

Q. \$1,800? A. Yes, sir.

Q. And yet there isn't a copy of them in existence to show to anybody? A. The State didn't pay me the specific sum of \$1,800 for the plans; the State paid me for my services in connection with the work.

Q. They paid further sums? A. Yes, sir.

Q. But wasn't that the amount of the plans, the first bill rendered? A. No, sir; there was no specific charge for the plans.

Q. How was the charge arrived at? A. Charges were made upon the percentage of the cost of the work.

Q. What percentage? A. Five per cent.

Q. That ought to include a set of plans, oughtn't it? A. Yes, and it did.

Q. Did any one of these contractors ever sign a plan? A. I don't know that they did.

Q. Did you ever see a plan signed by any one of them? A. I have no recollection.

Q. Or signed by the Governor on behalf of the State? A. I don't recollect they did.

Q. (By Senator Skirm)—Wasn't it your duty as architect to see that these plans and specifications were signed by the contractors? A. I think not.

Q. (By Senator Voorhees)—As supervising architect? A. I think not; the Governor had that in charge largely, and I relied upon his intelligence to do anything that was necessary and proper.

Q. How could you identify the plans that you were really working by if you had nobody's signature upon them; there were changes made in the course of preparing the plans? A. My own signature was upon those plans, and while I was using them I was entirely familiar with them.

Q. Is this your signature upon this plan? A. No, that is marked upon it—that is my name.

Q. Is this the original plan or not? A. I think it is a plan—

Q. Have you any doubt about it? A. No, I have not.

Q. But yet— A. I have no doubt it was the plan that illustrates the foundation.

Q. But yet it is not signed even by you, is it? A. No, it is not signed by me, I think.

Q. Nor by anyone else? A. No.

Q. Was there no set of permanent plans to be filed away preceding these drawings? A. No, there were no set preceding those.

Q. A mere cloth drawings is the first plan made for the capitol of New Jersey? A. This cloth tracing, do you mean?

Q. Yes. A. Not them alone; there were a number of plans—

Q. What besides the blue prints? A. There were a number of tracings.

Q. I know for the different floors, but this is the best that can be shown, this cloth tracing? A. That identical one?

Q. Yes. A. No.

Q. What better have you got? A. There were a number of plans illustrating the floor—

Q. Any drawing on drawing paper—anything fit for preservation? A. There is nothing more fit for preservation than cloth.

Q. This you considered the height of the art? A. No, sir; I do not, but I say that it is permanent, and much more permanent than anything I know of.

Q. Those are made on cloth for the purpose of getting blue prints? A. They are for that purpose; they are convenient anywhere; they are more permanent.

Q. No matter whether they are good or bad, those drawn in that way were the only ones drawn; is that so? A. No; they are first drawn on paper, then transferred to cloth.

Q. On rough paper, you mean? A. On rough paper; on drawing paper.

Q. In pencil? A. No; in ink.

Q. Where are those ink plans? A. I may have some of them in the roll that I have left over.

Q. You didn't bring your roll with you? A. Yes; I did.

Q. Have you examined it, to see what is in it? A. I have not; it is a great big roll of maps, that had been tied up some years ago, and all dirty and dusty.

Q. I would like to have you go through it and see what there is in it. Where did you find that? A. In my office.

Q. Where? A. In New York.

Q. (By Senator Voorhees)—The subpoena called for that, I believe, and I trust you will bring them here? A. I have them, and I left a full set here at the State House when I went away, and I considered I had no further use for them.

Q. Those are chiefly working drawings, are they not? A. Naturally they were, because the workings largely exceeded the original plans.

Q. Wasn't there a plan for each floor of this new Assembly Chamber? A. Yes, sir; there was.

Examined by SENATOR SKIRM.

Q. Then didn't you preserve a plan of each floor in your office? A. After this was all over—

Q. While the building was being constructed, didn't you have a plan in your office? A. I had a plan here in the State House.

Q. No; I asked you whether you didn't have a plan in your office? A. I made my office here and I kept my plans here.

Q. All your plans were made here or in your New York or Jersey City office? A. Yes; I had duplicates of them all over on all the buildings; this was the most convenient place to have them, because I was here all the time working and I required them at hand.

Q. And in connection with that did I understand that when these plans were prepared and agreed upon did the Governor approve these plans in connection with you? A. Yes, sir.

Q. It was agreed upon between you and the Governor that these plans were acceptable? A. It was not agreed between him and I; it was a matter of approval on his part.

Q. Then one set of plans was left with him; I understood you to say early this morning that there were three or four sets of plans? A. Yes, sir.

Q. The Governor had one? A. I think he had one set of the plans, original plans upon which the bidders bid.

Q. It would be natural for him to have it? A. And I know I left a set with the Superintendent of the Capitol.

Q. There was none left with the Comptroller? A. Not that I know of.

Examined by SENATOR KETCHAM.

Q. In the early part of your testimony you said you drew plans for the ventilating apparatus, did you not? A. There was no plans drawn for that purpose.

Q. You drew that paper pertaining to the ventilating apparatus? A. The specifications, yes, sir.

Q. And you said you did the supervising of that work? A. With the rest, yes sir.

Q. Was there need of more than one man to superintend the erection of that ventilating apparatus? A. Besides myself?

Q. Yes? A. Well, both myself and my partner looked after it.

Q. You two could do it as well as not? A. Yes, sir; we could do it.

Q. Then you also testified that Mr. Ford under your superintendence helped to do the work of superintending for which he was paid \$1,498; now, what specified duty was assigned to Mr. Ford in connection with the ventilating apparatus as he was under your superintendence, you must have given him his orders. What orders did you give him? A. I can't say that he had any special connection with the ventilating; he was appointed as superintendent or inspector of the work without any special definition of his duties.

Q. Without anything to do, is that it? A. No; I wouldn't say nothing to do.

Q. What did he do, then? A. He was around the work.

Q. You drew the plans and had charge of it; wasn't he to work? A. He was around on the work to see that the contract was carried out and acting as an inspector usually does.

Q. Well, the Governor, or whoever assigned him to the work, do you know what specific duty was assigned to Mr. Ford in connection with the ventilating apparatus? A. I don't think that any specific duty was assigned to him in connection with the ventilating apparatus; I think he didn't know much about it, and he was appointed inspector on that work by the Governor, and he was there and looked after it to some extent; he didn't interfere with me in any way.

Q. And you didn't interfere with him? A. Not to any great extent.

Examined by MR. CORBIN.

Q. I draw your attention to Article 5 of the contract with Lanning; the party of the first part covenants and agrees that the Governor of the State of New Jersey may make, or require to be made, alterations in the plans of construction from that herein, and in said specifications and plans expressed without annulling or invalidating this contract, and in case of any such alterations of conditions or extensions thereof, if they shall, in the opinion of the Governor, increase the expense of the work for the contractor beyond the contract price, he shall be paid therefor such additional sums as the Governor shall award. If the expense be decreased, such decrease shall be deducted from the amount of the contract price, the amount of increase or decrease to be determined by the Governor, whose decision shall be final. I call your attention also to the sixth clause: no contract shall be in anywise sub-let, except by consent of the Governor, and the seventh clause—the Governor shall have power at any time during the progress of the work to reject any of the work and cause other to be substituted. In the ninth clause, that is as to materials furnished and work done, and all claims arising under the contract shall be determined by the Governor, whose decision shall be final. The tenth clause, wherein it is stated that any other question whatsoever shall be decided by the Governor, whose decision shall be final, conclusive and binding, I think, there are others similar. Did the Governor make any changes under those clauses? A. In the construction of the building?

Q. Oh, yes. *A.* None that I can recall that is material or important.

Q. That contract referred the decision of everything not to the architect, but to the Governor, did it not? *A.* Yes, sir.

Q. Left nothing for the architect to decide? *A.* Under the nominal wording of the contract, yes.

Q. Wasn't the Governor, in fact, the architect of the building during its construction? *A.* No.

Q. You had no power to decide anything? *A.* Well, but I referred it to the Governor, and as a matter of consultation he deferred to my judgment in most cases.

Q. And he decided? *A.* And he decided; the decision of the question remained with him; he evidently didn't want to leave it in the power of any one else.

Q. In your experience as an architect did you ever draw a contract before, or were you concerned in one, where one of the parties was made arbitrator of all questions? *A.* No, sir; those questions are usually left to the architect.

Q. This contract is unique, then, in that particular? *A.* It is peculiar in that respect; it differs from all other contracts in that respect.

Q. Referring to the Gouge contract that has also these same clauses, refers everything to the Governor? *A.* Yes, sir.

Q. Allowing him to modify the contract in every respect, yet holding the contractor; is it so? *A.* I wouldn't say that he had the power to modify that contract, because the contractor was responsible for the results.

Q. The same clauses that I have referred to occur in the Gouge ventilating contract, and refer all possible questions that may arise to the Governor, and his decision shall be final; it also provides for modifications of the contract at his pleasure, but the contract remains binding upon the contractor? *A.* He was held responsible for the success of the ventilating—

Q. How did the bidders who came forward look upon that sort of specification referring everything to the State to modify the contract and decide for itself what should be right? *A.* I never heard any comment upon it.

Q. I think you said nobody was found to bid on the ventilation except Gouge? *A.* I think that is the case.

Senator Voorhees—Do you suppose anybody would?

Mr. Corbin—It is something new in my practice; I am unable to give an opinion which would command respect.

Q. (By Senator Daly)—Do you think that Mr. Gouge would come here, Mr. Moylan? *A.* I will say that I met Mr. Gouge a week or two since in New York accidentally, and this investigation was talked of, and in general conversation, had on the street corner, he said he was willing to come here at any time the Committee wished and tell everything that he knew.

Senator Voorhees—Tell him to put himself in communication with the chairman of the Committee.

Witness—I will do so.

Senator Voorhees—We want to get at the truth of the matter; if the ventilation is worth \$47,000 we ought to know it.

Q. Was anybody else besides Mr. Lanning found who would bid on the building of the Assembly Chamber? *A.* Oh, yes, sir.

Q. Who else bid? *A.* There were some seven or eight bids as I recollect it.

Q. On parts of the work or the whole? *A.* On the whole work.

Q. Do you know where the bids are? *A.* Oh, no, I didn't have the custody of the bids.

Q. Do you know who the bidders were? *A.* Some of them.

Q. Who? *A.* There was Adam J. Ditmar, of Jersey City, bid upon the whole thing—they all bid on the whole thing; they all bid alike; there was Joseph Cutley, of Jersey City; I don't recollect at the present moment the other bidders, although I might be able to recall them after reflection, but I think they were principally in Newark and Trenton bidders; there was a mason from Newark who bid upon it.

Q. Who was that? *A.* I can't recall his name at the present moment; and some bidders from Trenton; my recollection is that there was some seven or eight bidders; the bids were opened in my presence in the Governor's room; I was present at the opening of the bids.

Mr. Corbin—I think I would prefer to suspend the examination of this witness until the plans are in shape. I would like to have an opportunity to examine and arrange them.

Senator Voorhees—It has been suggested by one of the members of the Committee that you desire to explain some of your testimony given just before recess.

Witness—In my testimony this forenoon when the subject of the sub-division of the contracts for the radiators and outside radiators was under discussion, I expressed the opinion that the radiators were excluded in two places in the specifications, and for the want of time

I was unable to find that. In looking over during the dinner hour I find on page 6, which has not been referred to at all, a clause in which it says, bidders will examine—and in order that no misunderstanding will exist will state the price in figures for the whole work, and also the price excluding the radiators—that is, type printed in the specifications of which I have a copy, and it is also repeated in the latter part of the specification, referring to it exclusive of the radiators—as a separate item—is made in two places in the specifications and they were made before the contract was awarded, and the understanding was very distinct that the contract of Gouge did not include the radiators at all; it was perfectly well known, and the bids for the purpose of both were received at the same time; I remember about that very distinctly.

Q. Bidders, then, were invited to bid for the whole work, and also to bid for the radiators separately; that is, for the whole work of ventilation, and made separately for the radiators? A. Yes, sir.

Q. As a matter of fact the Gouge contract was awarded for all the work mentioned in the following specifications. You think that is an error, do you? A. I am sure it is an error.

Q. Who is to blame for that error? A. If the contract is capable of that impression, and I don't know that it is, it is the fault of whoever drew the contract.

Q. Let us not have any doubt about that; let me read. "The party of the first part—the Gouge Company—does hereby covenant and agree to the said party of the second part to furnish all the materials and perform all the labor necessary for the ventilation and steam heating of the Assembly Chamber, at the capitol building, in the city of Trenton, agreeable to plans and specifications which are signed and hereto annexed." This is all in type-writing. Now refer to the specifications which are annexed here and which are followed by acknowledgements and all that, and you will find one chapter on the subject of radiators which describes the radiators: "There shall be about seventy radiators, averaging 86 square feet of heating surface, varying in size," and so on, the rest of the page; and you think that is a blunder in the contract, do you? A. No; I am of the opinion that it does not include the radiators; that is my interpretation of that contract as it stands.

Q. (By Senator Voorhees)—That interpretation is not in favor

of the State, is it? *A.* At the same time I know there was a definite understanding.

Q. In other words, Mr. Gouge, if he thought he was bidding for the radiators as well as these pipes, would have put in \$4,000 more if he had the radiators to put in; that is your idea, is it, that he has got it too low in bidding \$21,600? Your idea is that Mr. Gouge, in bidding this \$21,600, was bidding simply for the apparatus, and did not include the radiators? *A.* Mr. Gouge submitted two bids, one excluding the radiators and one including.

Q. (By Senator Voorhees)—For heaven's sake what was the bid which included everything? *A.* I don't recollect the figures, but I believe the amount—

Q. You think he put in one bid higher than the one here? *A.* Oh, yes, sir, including the radiators.

Q. How much higher? *A.* Well, 6,000 feet of radiators at 30 cents a square foot.

Q. That would be about \$18,000 more? *A.* About that, yes, sir.

Q. It seems it cost the State \$2,700 and \$1,500, which will be \$4,200? *A.* That was a different matter.

Q. You think, then, Gouge's \$25,000 was his lowest bid for the part of the work? *A.* Yes, sir.

Senator Voorhees—The Senator from Middlesex, without any reflection on you, suggests very pertinently that the State paid twice for some of this work.

Q. Who attended to the execution of these papers? *A.* I think the Governor's son.

Q. Mr. Leon Abbett, Jr.? *A.* I think he prepared those contracts.

Q. And he took the acknowledgment of the parties to it? *A.* I think so.

Q. He took the acknowledgment as Master in Chancery and witnessed the bond; his signature appears here a number of times? *A.* I understand he drew up the contract.

Q. (By Senator Daly) All the clerical labor was performed by the Governor's private secretary? *A.* Yes, sir. I want to say you have had this before; all I was interested in was the specifications.

Q. Were these submitted to the Attorney-General? *A.* I don't know.

Q. Do you know whether any counsel other than Leon Abbett, Jr., had supervision of it? *A.* Oh, no; I had nothing to do with that part of it.

Mr. Corbin—I would prefer to suspend this witness' examination until we have had an opportunity of looking at the plans.

MICHAEL HURLEY, recalled.

Examined by MR. CORBIN.

Q. Did you bring the rest of your books? A. The bookkeeper has them.

Q. Is he here? A. Yes, sir.

Q. Did you tear down the old Assembly Chamber? A. Yes, sir.

Q. Did you make a bargain first? A. They advertised for contracts, and it was awarded to the lowest bidder.

Q. What did you get for it? A. \$1,700 for tearing down the old building.

Q. Did you make any written contract? A. I don't know that I did.

Q. What did you do with the plaster and rubbish that was left? A. My bid for tearing it down included all the material that was not used again; I was to have it.

Q. Was that in writing? A. It was in their bid.

Q. You left the material on the ground, didn't you? A. No, sir.

Q. What did you do with the stone? A. Most of the stone was used back in the building; what wasn't used, I carted away.

Q. Have you got a copy of your bid? A. I don't know that I have; I think if you get the daily papers that was published at that time—they published the different bidders and the different price; it was a hurried job.

Q. You didn't sign any contract? A. I couldn't say that I did.

Q. Who did you make the bargain with? A. The Governor.

Q. Didn't your bargain provide that you were to leave the brick and stone piled upon the premises? A. No, sir; my bargain said that all material that was not used in the building was mine.

Q. Who said that? A. I say so.

Q. Well, you did, as a matter of fact, pile up the stone and brick on the ground, or most of them; didn't you? A. A great deal of it.

Q. And you claim that belongs to you? A. No, sir; what was not used in the building belonged to me; they used some of it in the building.

Q. The greater part of the stone was used in the building? A. No, sir.

Q. You took some stone away? *A.* I took some stone away, and I have got them yet.

Q. And you took iron away? *A.* Yes, sir.

Q. And you haven't a scrap of paper to show what the terms of that contract was? *A.* I made a written proposition, as they advertised for.

Q. And you made your bid in accordance with the printed advertisement? *A.* Yes, sir.

Q. You bid \$1,700, in accordance with the advertisement? *A.* Yes, sir; and I was low; there was three or four bidders.

Q. And you took away such parts as could not be used and piled up the rest of the brick and stone on the ground? *A.* Yes, sir.

Q. You cleaned them off, didn't you? *A.* No, sir; I don't think I did; the contractors of the building did that.

Q. You didn't even do that? *A.* I wouldn't be positive; if I did I got paid for it.

Q. The stones and brick that you left went into the building again, did it? *A.* Some of it, and some of it went over the hill.

Q. Where is the hill? *A.* Right back there.

Q. You mean thrown into the dump down there? *A.* Any of it that was not fit to use, yes, sir.

Q. That you got paid for too, didn't you? *A.* No; I got paid for that work and carted it away.

Q. You filled over the hill, didn't you, most of it? *A.* Yes, sir.

Q. What was there of the materials that were useful besides the stone and brick? *A.* Why, we got the lumber, too; anybody that wanted it; we had to tear it down in a hurry and get anybody that wanted to take it; we were not particular.

Q. Iron girders? *A.* Yes, sir.

Q. Windows? *A.* No; I didn't get any of the windows.

Q. What did you do with the windows? *A.* I think the windows—the sash were sold at public sale here.

Q. You didn't take those; you took the iron and part of the stone? *A.* Yes, sir.

Q. But the greater part of the stone you left on the ground, did you not? *A.* The foundation stone, yes, sir.

Q. Lintels for windows? *A.* No, sir, I took them away; they were not used in the building; took them away and piled them up on my lot.

A. Afterwards you were employed to fill the lot back here, weren't you? *A.* I did some of it, yes, sir.

ASHER E. LAMBERT, recalled.

Examined by MR. CORBIN.

Q. Do you remember what was done with the stone and brick that was left from the old Assembly Chamber? A. The stone was used back in the foundation.

Q. Have you ever measured up the quantity of stone that was left here and made an estimate of the value of it? A. I had an estimate.

Q. What was the value of the stone that was left on the ground? A. About \$3,000.

Q. And the contractor, Lanning, put it in the walls, did he? A. Yes, sir.

Mr. Corbin—The contract says that the contractor shall furnish all materials and perform all labor necessary for the work on the building.

Q. Did Mr. Ford call your attention to this matter of the stone that was left on the property? A. He did.

Q. When was that? A. During the time of the foundations.

Q. Just state what was said about it? A. Well, he told me to keep a record of the number of perch of stone that went back in the building, as near as I could.

Q. What else? A. Well, for the purpose, he said, that we would have that for ourselves.

Q. Well, it did go back in the building, did it? A. Yes, sir.

Q. Was any account ever made of it, as far as you know? A. I never saw it.

Q. You never heard anything about it than that the stone which belonged to the State was used in that building, was it? A. Yes, sir.

Q. Did the contractor ever pay the State anything for it, so far as you know? A. I never saw anything on record.

Q. And the value of that stone was about \$3,000? A. Yes, sir.

Q. And you say the Superintendent of the State House proposed that deliberately; did he, before the work was done? A. Yes, sir.

Q. That you should keep a measurement, and "we would have whatever there was in that for ourselves? A. Yes, sir.

Q. Did you ever get anything for yourself out of it? A. Not a penny.

Senator Voorhees—It seems to me we have been paying twice over. When Mr. Hurley was digging around here—you heard us speak of the bills that were put in—did you pitch in and help him dig? A. No.

Q. Was there some digging done for which the State paid?
A. Not exactly in digging; the tearing down of the old building.

Q. Yes, or tearing down, either? A. Yes, there was some labor paid for

Q. Just state what labor was paid for by the State in helping to tear down that building? A. Well, I didn't consider it safe to tear the building down with ordinary laborers, and I went to Mr. Ford about it, and he told me to get whatever necessary help I needed in the way of carpenters, and I telephoned to Mr. John Lindsay for men.

Q. You were here under that salary at that time, were you not? A. Yes, sir.

Q. How much salary? A. \$1,200 a year.

Q. You got carpenters? A. Yes, sir.

Q. Did you proceed to help tear down the building? A. Yes, sir.

Q. Who directed you to do so? A. Mr. Ford, the Superintendent.

Q. Was that while Mr. Hurley was tearing it down under his contract? A. Yes, sir.

Q. Who paid your men for doing it? A. The State.

Q. Is it in the State Treasurer's account? Yes, sir.

Q. Was it part of the work covered by Mr. Hurley's contract?
A. Yes, sir.

Mr. Corbin—I would like to have a chance to examine the books which have been produced by Mr. Hurley. I suggest that the Committee investigate the state of affairs in the basement of this building (the State House.) Mr. Bonnell, the Custodian, will show us all the rooms in the basement; there are some hundreds of tons of public documents there of great value, at least they cost a great deal—which the Committee would like to see. There is a condition of affairs there which I think the Committee ought to understand and possibly may like to investigate. As this will occupy a half hour or so I suggest that we adjourn for the day.

Adjourned to Friday, March 22d, at 10 o'clock, A. M.

TRENTON, March 23d, 1895, 10 A. M.

WILLIAM D'ARCY, recalled.

Examined by MR. CORBIN.

Q. I show you the book which you have produced here, somewhat torn; what is this? A. That is the contracting ledger.

Q. Contracting ledger? *A.* Yes, sir.

Q. Of Michael Hurley? *A.* Yes, sir.

Q. How did it come to be all torn to pieces? *A.* Well, it is rather an old book, and that is the best condition we could keep it in.

Q. I see there is a round hole punched through the corner of the pages through it; how happened that? *A.* To bind them together.

Q. You have had it bound together, then, with a string, have you? *A.* Not with a string; with a little binder—tack.

Q. Do you know that it is all here? *A.* Yes, sir; it is all there.

Q. What dates does it cover? *A.* Beginning in 1891.

Q. Is it all in your handwriting? *A.* Not all, no, sir.

Q. Was it commenced before you went with Mr. Hurley as bookkeeper? *A.* There are some entries in the beginning of the book; yes, sir.

Q. But from the time you went there, in 1891, it is all in your handwriting? *A.* Yes, sir, pretty much.

Q. What time in 1891 did you go with Mr. Hurley—go into Mr. Hurley's employ? *A.* I had charge of the outside work prior; all the contracting which we did around this building during the summer of 1891, and in October, 1891, I assumed charge of the large ledgers in the office—the coal ledgers.

Q. When did you commence to make entries in his books? *A.* October, 1891, in the large ledgers; in this one I made them in the summer, along in May and June.

Q. Have you made a search for Michael Hurley's cash books for the years 1889 to 1892? *A.* Yes, sir; we have made a thorough search.

Q. Where did you look? *A.* Through all parts of the office.

Q. Can't you find the cash books? *A.* No, sir; they are not in existence.

Q. When did you last see them? *A.* The last time I saw the cash book which you asked for Monday—

Q. The cash book which I am now speaking of, covering the period from 1889 to 1892? *A.* Well, it is over a year ago.

Q. Where did you see it? *A.* I saw it when I brought it from the closet in such a condition that it could not be preserved any longer.

Q. What did you do with it? *A.* I think I told you Monday that I destroyed it; it was not fit for preservation.

Q. How did you destroy it? *A.* I burned it.

Q. Was it the one cash book? *A.* More than one cash book.

Q. You mean to say that you burned up the cash books of Michael Hurley's business from 1889 to 1892. Did you consult Mr. Hurley about it? *A.* No, sir.

Q. You did it of your own accord? *A.* Yes, sir.

Q. Anybody suggest it to you? *A.* Nobody suggested it.

Q. Who was present when you burned up those cash books?
A. Mr. Terradel.

Q. Did he have anything to say about it? *A.* No, sir; I had a conversation with him, in which I stated that the closet which held them was so—

Q. Did he have anything to say about it? *A.* No, sir; he is a neighbor there of ours in business, and he happened to step in to use the phone.

Q. How many books did you burn? *A.* One.

Q. That had all the cash in? *A.* Yes, sir.

Q. Did it have the debit cash and the credit cash? *A.* No, sir.

Q. Which did it have? *A.* Credit cash.

Q. Where is the debit cash account? *A.* You have it here.

Q. Covering the period I speak of, from 1889 to 1892? *A.* You have it there.

Q. Find it; this begins January 3, 1891? *A.* Yes, sir.

Q. Now, where is your debit cash book for 1889 and 1890?
A. I wasn't in charge of the books at that time.

Q. Where is your cash book? *A.* I can't answer; I wasn't in charge of the books at that time.

Q. When you became bookkeeper in 1891, wasn't the cash book for the previous year there? *A.* The debit cash?

Q. Yes. *A.* That is the debit cash book.

Q. That begins January, 1891; I want 1889 and 1890? *A.* I don't know anything about that.

Q. Weren't they there when you became bookkeeper? *A.* No, sir.

Q. You mean to say that all previous to those cash books had been already destroyed? *A.* I didn't say anything of the kind; I assumed charge of the books that the previous bookkeeper left there.

Q. You haven't any cash book for the previous year at all?
A. No, sir.

Q. Have you ever seen it? *A.* Never seen it; no, sir.

Q. Did you have any ledger in which you entered the cash or posted it? *A.* Not that I know of; no.

Q. Don't you know what books you keep? *A.* I know that you have got all the books that we have in our possession.

Q. Have you got any ledger to which you transfer your cash now? A. Have we?

Q. (By Senator Voorhees)—Answer the question without repeating it. A. Yes, sir.

Q. Where is it? A. It must be there; you have got all the books.

Q. Show me the cash accounts in the ledgers there. A. It is entered in that small book there, amount of cash received during the year.

Q. Have you got any ledger to which you transferred your cash? A. No, sir.

Q. Haven't you got a ledger you call your private ledger? A. No, sir.

Q. Have you got any ledger showing the condition of your business? A. No, sir.

Q. Show us the merchandise account? A. We have the merchandise account posted to the large ledger.

Q. You mean you have individual accounts of customers? A. Yes, sir; of merchandise bought.

Q. Have you any ledger showing the condition of your business? A. No, sir.

Q. Well, do you mean to tell me that the only place you enter cash is in the debit side of that book and a credit in that way here? A. Yes, sir.

Q. So that there is cash entered in no other way on your cash book; how about that? A. Cash disbursements.

Q. Both receipts and disbursements? A. Mr. Hurley will have to answer that.

Q. You can't answer that? A. No, sir.

Q. You kept a check book, too? A. Yes, sir.

Q. As a matter of fact, isn't there a book which you haven't brought here at all which has got your cash account, both sides of it? A. No, sir; there was not.

Q. Was there not one before you destroyed it? A. No, sir; there was not.

Q. And you can't tell us the condition of your cash to-day? A. Yes, sir; certainly we can.

Q. How do you tell? A. Tell how much we have on hand and how much is in the bank?

Q. How do you tell how much you have on hand? A. Count up.

Q. Then you go up and look in the bank account and see what is in the bank? A. Yes, sir.

Q. You haven't any books to which you can refer to tell how much cash you have on hand? A. No, sir.

Q. And that has been the condition of affairs ever since you have been bookkeeper? A. Yes, sir.

Q. So that the only way you know the condition of your cash is to count what is in the drawer and then look in the bank book and see what the bank credits you with? A. That is all.

Q. As a matter of fact, on the stub of your check books you do force a balance once in a while, don't you? A. Yes, sir.

Q. And in the ledger, too? A. In the ledger we balance the accounts too.

Q. Force a balance? A. What do you mean by forcing a balance?

Q. I guess you know, don't you? A. No, I don't know.

Q. You make them balance whether they do balance or not? A. Make what balance?

Q. Your ledger accounts. A. Sometimes, yes, sir.

Mr. Corbin—I offer in evidence this mutilated book.

Turn to the book which has been produced, which the witness has called "Contracting Ledger." On page 40 of this ledger there is an item, "Ex. cellar and trenches, \$450," which is evidently the item of \$450 for the digging to which reference was made the other day. I submit that both the red ink and the black ink are obviously different from all the rest of the page, and that it is a fresh entry, although it is dated 1891. Note the fact, also, that that entry is not to be found referred to in any of the other books.

The book will be marked "Exhibit 143."

ABRAM SWAN, recalled.

Examined by MR. CORBIN.

Q. Did you bid for the tearing down of the old Assembly Chamber, in accordance with the advertisement in the paper inviting bids? A. I did, sir.

Q. Did you see the specification on which the bids were to be made? A. I did.

Q. Where was it? A. It was here.

Q. Well, in what office? A. Mr. Ford's.

Q. Have you any copy of that specification? A. I have not.

Q. What did that specification provide with reference to the disposition to be made of the material? A. It stated that the bidder should bid for the tearing down of the work, and leave all material upon the grounds.

Q. Did it state as to where it was to be placed? A. Yes, sir; on the river bank.

Q. You bid upon it, upon the specification in that form, did you? A. Yes, sir.

B. F. EVERETT, sworn.

Examined by MR. CORBIN.

Q. Where do you live? A. 10 Rusling street, Trenton, N. J.

Q. Did you bid for the tearing down of the Assembly Chamber? A. Yes, sir.

Q. Did you see the specification upon which you framed your bid? A. Yes, sir.

Q. Where did you see it? A. I believe it was in Mr. Ford's office, or the Superintendent's office; I didn't know Mr. Ford at that time.

Q. What did the specification provide with reference to the disposition of the material? A. The specifications specified that the material was all to be left on the ground—the opposite side of the water power.

Q. And you bid upon that basis, did you? A. Yes, sir.

Q. Did you retain any copy of the specification? A. No, sir.

Q. And you have none? A. No, sir.

Mr. Corbin—It was proved the other day that these specifications were gone. We can find no record of them anywhere, either in the Governor's office or the Superintendent's office, and therefore we have proved the contents of them in this way. The Committee will also recall Michael Hurley's testimony with reference to his construction of it, that he was entitled to all material that was not actually used.

JAMES M. SEYMOUR, sworn.

Examined by MR. CORBIN.

Q. What is your occupation? A. Consulting engineer.

Q. Consulting engineer with reference to what kind of business? A. Heating and ventilating; all kinds of air moving.

Q. Will you state what your education has been with reference to that profession? A. Well, it has been a mechanical education. I was first in the High School, in Newark; then I had a private tutor in mathematics; and from there I went to work for Edison, and was engaged for him for a year and a half, with him at Menlo Park; then he sent me to Europe, to represent him in the construction of telephone and electric plants. I staid there, in his employ and in the employ of the International Company,

in different countries in Europe, until 1884, in August, when I came home; during that time I had to make air movement a study, because it affected my business in stringing wires.

Q. Did you take special instruction in that branch of work? A. I didn't take special instruction, but I had the advice of the best experts I could get on meteorological affairs.

Q. How long were you in Europe, engaged in these occupations and studies? A. Five years and a half.

Q. And upon your return? A. On my return I went to assist my father in his business, Seymour & Whitlock—employed by him.

Q. What business? A. His business is a general machine business, but he had a branch that was ventilating.

Q. To what have you given your attention from 1884 to the present time? A. Ventilating and heating entirely.

Q. Have you a special study of the subject? A. Yes, sir.

Q. That is your specialty? A. Yes, sir; that is my specialty; I don't propose to do anything else now.

Q. Have you made a study of it from a scientific point of view? A. Yes, sir.

Q. Do you put in ventilating plants? A. Yes, sir.

Q. Have you examined the heating and ventilating plant now in existence for the Assembly Chamber and Senate Chamber of this building? A. Yes, sir.

Q. State how minute your examination has been? A. I came here and brought two assistants on Tuesday; we started at the boilers; measured the pipes from the boilers to the extreme of each line, running all lines that lead to the radiators in different parts of this building; then we started on the air ducts at the roof and traced them down to their terminals, measuring them and computing their weight, and the size, iron and labor, and approximate cost, as near as it is possible to estimate anything that is in position—of its value.

Q. Did you also examine the radiators and their appliances? A. Yes, sir; all of them.

Q. And estimate upon those as well? A. Yes, sir.

Q. Did you make an examination and estimate upon all the details of the heating and ventilating connected with these buildings? A. Everything pertaining to it.

Q. What was the result of your estimate of the proper cost for the Assembly Chamber heating and ventilating plant; suppose it to be erected in January, 1892—December, 1891, and January, 1892? A. My estimate of the cost is an estimate of what it would cost me to do it.

Q. Just put it that way first. *A.* I don't know what it might cost somebody else.

Q. Yes. *A.* The actual cost, without allowing any profit whatever to the contractor?

Q. Just put it so. *A.* For the Assembly Chamber is \$10,710.

Q. Now, what profit have you added in that estimate, what estimate of profit? *A.* 30 per cent.

Q. Add 30 per cent., and what does the whole thing amount to? *A.* \$15,300. [Clerical error. The true amount is \$13,923.]

Q. Take the Senate Chamber; what is the cost of that? *A.* The actual cost to the contractor, \$8,540; 30 per cent. added is \$12,200. [Clerical error; true amount, \$11,102.]

Q. You have said 30 per cent.; how does that compare with the profits in that business; is it a good, full profit, or otherwise? *A.* Well, there is nobody in the business that makes 30 per cent. on the year's business.

Q. That is an outside profit, is it? *A.* That is an outside profit.

Q. For the Assembly Chamber I think you said \$15,300, [\$13,923], including 30 per cent. profit? *A.* Yes, sir.

Mr. Corbin—This estimate of the cost of the Assembly Chamber is \$15,300, [\$13,923], and the cost to the State was \$26,073. And his estimate of the cost of the Senate is \$12,200, [\$11,102], and the cost to the State is \$26,688.

Q. What have you to say as to this ventilating and heating system; is it a modern system in vogue at the present time, or is it obsolete? *A.* It is obsolete.

Q. How long since that sort of thing was put in by the best engineers as the most approved system? *A.* It has not been recognized in, well, to my knowledge, five years, in modern buildings.

Q. Was it in use about thirty years ago? *A.* Yes, sir; so far as I know.

Q. As a matter of fact is it effective to properly ventilate a building? *A.* No, sir.

Q. These tubes that we see at the top, what are they supposed to do? *A.* Supposed to take out air, carry off air.

Q. As a matter of fact do they carry it off or bring it in? *A.* A cubic foot of air could not leave this room until a cubic foot comes in, and if the registers on the sides don't allow enough air to come in to supply the full current to each one of those up ducts there would have to be a down draft in one to supply the deficiency which is caused by the up draft in the others.

Q. Isn't that as a matter of fact so by observation? *A.* At times it is so.

Q. The wind outside has something to do with it? *A.* Yes, sir.

Q. Is this system of ventilation in these two chambers when used in its present condition at all reliable and effective to ventilate these chambers? *A.* Its effectiveness depends upon the temperature of the atmosphere; when it is very cold, then all such ducts as these on the roof will be active; their activity depends upon the weight of the column of air in the duct and the surrounding air outside at the same height.

Q. Suppose it is not very cold? *A.* Then they act very little, and in warm weather they act not at all.

Q. Won't exhaust the air from the rooms? *A.* No, sir.

Q. Did you observe the condition of the radiators? *A.* Yes, sir.

Q. What was their condition? *A.* Well, a good many leaking.

Q. Did you notice that they had drip pans under them? *A.* Yes, sir; all of the annexed radiators I saw, and I examined twenty, I think.

Q. Did you observe that a large number of them were entirely shut off? *A.* Yes, sir.

Q. Can this system that has been installed in these two chambers be made effective to properly ventilate them without radical changes? *A.* No, sir.

Q. What has got to be done to make a proper system of heating and ventilating? *A.* There has got to be a positive supply of warmed air furnished.

Q. Would these appliances that we see about here play any part at all in a new system that would have to be put in? *A.* Yes, you could cut them off and use them for exhausts.

Q. Well, now, that question of exhaust, you have spoken of that as depending upon the weight of the column of air, and so on, how is that subject of exhausting impure air treated by modern engineers; how is that done? *A.* It is either taken out by fans which move it positively, or it is allowed to find its own way out of a room where there is a pressure of air placed on that room.

Q. Fresh air forced in? *A.* Yes, sir.

Q. Were either of those methods applied? *A.* No; with that I have seen it is all natural draft.

Q. Simply natural draft? *A.* Yes, sir.

Q. Then for the proper ventilation and heating of these rooms you would consider these plans a failure, would you not? *A.* I should; yes, sir.

Q. Would any engineer skilled in this line of business think of putting in such contrivances as these at this day? *A.* I don't think he would stay in business if he did.

Q. What would it have cost in December, 1891, and January, 1892, to have put in a first-class heating and ventilating plant, according to modern methods and the most approved engineering ideas, to suitably ventilate and heat these two chambers? *A.* Well, I couldn't say, except very approximately. I should say \$12,000 a chamber; I should be willing to have undertaken it at \$12,000 a chamber.

Q. In other words, less money than what you have estimated that these should have cost? Yes, sir; with a 30 per cent. profit added.

Q. You have added the profit? *A.* Yes, sir.

Q. So that for this worthless plant, that has cost some \$48,000—that instead of this, there could have been placed a modern plant, suitable and proper for the purpose, for about \$24,000? *A.* That is my figure; I can only arrive at that by approximating it with work that I know of.

Q. Have you had charge of the ventilating and heating of large buildings? *A.* Yes, sir.

Q. State some of them. *A.* The Postal Telegraph Building in New York, the basement work, through a sub-contractor; I was the sub-contractor of the Manhattan Life; the Howland House, I had complete charge of that; Clard Thread Company Buildings, ventilating, and a number of hotels; such large buildings; Chatham Bank, their heating and ventilating.

Q. Those all represent much larger problems than these two chambers, do they not? *A.* Yes, sir, except the Chatham Bank; that is a small one.

J. F. SPRECHLEN, SWORN.

Examined by MR. CORBIN.

Q. Where do you live? *A.* Trenton.

Q. What is your present occupation? *A.* Looking after the engine, boilers and the heating department of the State House.

Q. You are the engineer here at the State House? *A.* Yes, sir.

Q. What is the condition of the radiators in the Assembly Chamber and Senate Chamber? *A.* Well, there are some of the radiators in the Senate Chamber that cannot be used at all; others are leaking.

Q. Have you made any count to see how many of them can't be used? *A.* Yes, sir, I have. In the Assembly Chamber 17

out of 40 cannot be used at all, and in the cloak-room there is five out of eight that cannot be used at all, haven't been used this winter; in the Supreme Court there is four radiators that continually leak, but we still use them, but we can hardly keep them in repair; in the Governor's room there is four of them leaking, and of course we are repairing them continually and keep basins underneath them to catch the water; in the Senate Chamber there is six out of thirty-two cannot be used at all.

Q. Are there others that are out of order? *A.* Yes, sir, there are others out of order, but we use them; but these we can't use—six out of thirty-two we can't use; there are sixty-one in the upper part of the building and the lower part of the building there that we are using, but we are continually repairing and keeping pans underneath them to catch the drip-water.

Q. You have pans underneath nearly all of them, haven't you? *A.* Yes, sir, from what I understand, these pans, when the radiators were put in these pans were furnished for that purpose, to catch the dripping.

Q. Have you tried to repair them and keep them tight? *A.* Yes.

Q. But the numbers you have stated are useless, are they? *A.* Yes, sir.

Q. What have you observed about this system of ventilation as to these ducts that are supposed to carry the air off? *A.* Well, I don't think it does it fully.

Q. Have you not found, at times, that air comes in where it is supposed to be taken off? *A.* Yes, sir.

Q. Have you had trouble with them? *A.* No, I don't know that I have had any trouble with them, any more than the Senators I guess know about that; it comes down on their heads.

Q. At certain times the air comes in instead of going out? *A.* It comes down; I guess every Senator knows that.

Q. They don't satisfactorily ventilate the chamber? *A.* I don't think so.

Q. What about this radiating system; what has got to be done with that to make it work? *A.* I don't know; you take the cloak room, and about every day or two I go down there and bleed those radiators and get from four to five buckets of water out of those radiators that doesn't return back to the boiler.

Q. That indicates improper construction, doesn't it? *A.* It looks very much so to me.

Q. You have to draw the water off from them to make them work? *A.* Yes, sir.

Mr. Corbin—I have three witnesses here, Mr. Hurley, Mr. Fritz and Mr. D'Arcy, whom I desire to examine, and I ask the Committee in this case to make the order that while one is under examination the other two shall not be present.

Chairman Voorhees—The request is a proper one, and that order will be made, and the Committee will further suggest that you will consider it a favor if no communications will be held with the witness.

MICHAEL HURLEY, recalled.

Examined by MR. CORBIN.

Q. I show you thirty-five bills for fuel delivered to the State House. Look these over as I hand them to you and see whether that is your signature upon the affidavit on the back of each one?

A. Yes, sir.

(Counsel handed witness the bills referred to and he examined them.)

Q. Did you sign them all? A. Yes, sir.

Q. And swear to them all? A. Yes, sir.

Q. With whom did you make your bargain to deliver coal to the State House? A. Well, the first bargain I had, Mr. Ford sent out to the different coal dealers to give them prices in delivering broken coal to the State, and I sent him a bid.

Q. You sent it to him—you didn't go to see him? A. Well, I seen him, too, but I sent him a bid; he asked for it.

Q. Well, you got the contract—what year was that? A. Well, the first year he came here I furnished part of the coal, I guess.

Q. Was the contract in writing? A. No, sir; it was verbal.

Q. The years following that—did you make a bargain with him every year? A. No, sir; I continued to sell the coal here. The prices varied. As the Coal Exchange changed the price we changed with the State; we sold to the State the same price that we sold to any other institution.

Q. There was no price agreed on then? A. Yes, whatever the price was at the time; it varied from time to time, as the price of the mines changed, we changed the State price; if it lowered the State got the benefit of it and the public got the benefit; if it went up—

Q. But there was no price fixed beforehand? A. No, sir.

Q. It was to be whatever you fixed for others? A. Whatever—

Q. No memorandum made of this? A. No, sir.

Q. Was there any agreement as to the quantity that was to be furnished? A. All they ordered.

Q. Any agreement as to when it was to be delivered? A. Well, I had orders to keep the place supplied with coal.

Q. By that you mean the boiler rooms down here? A. Yes, sir.

Q. Was there any agreement as to where it was to be weighed? A. No, sir.

Q. Nor by whom it was to be weighed? A. No, sir.

Q. Was it to be gross ton or net ton? A. Gross ton.

Q. 2,240 pounds to the ton? A. Yes, sir.

Q. You swore to all these bills before a notary public here at the State House, did you not? A. Yes, sir; I believe I did.

Q. You brought them up yourself and swore to them? A. Yes, sir.

Q. Either before Mr. Boyd or Mr. McNeely or some other notary who would be here? A. Yes, sir.

Q. Did you bring the bill with you when you came up to swear to it? A. I guess I always brought the bill along.

Q. Who made out the bills? A. Some of my employes; I can't say who.

Q. Was the Superintendent's approval put upon it before or after you swore to it? A. When the bills came here they were handed to Mr. Boyd and Mr. Boyd compared them with those slips that we left here, and sometimes Mr. Riker went over, too, with Mr. Boyd, and I don't know when the Superintendent approved them; but I know sometimes they would send for me when there was an error, and I used to tell some of the men around here to correct them, as I couldn't do it myself.

Q. The question I asked you was whether you swore to them before or after the Superintendent approved them? A. That I cannot answer.

Q. When you brought these bills up and swore to them you generally got the warrant and signed the receipt for it the same day, didn't you? A. Generally did.

Q. And got your check? A. Sometimes, yes, sir.

Q. As a rule, didn't you? A. Yes, sir.

Q. And took the check away with you? A. I always done that, you know.

Q. The whole thing was done at once then, one day? A. Pretty well so, yes, sir.

Q. And yet you can't say when the Superintendent approved them? A. I can't say; sometimes we would bring them up two

or three days before, sometimes all on the same day, and sometimes they would lay here a week; I ain't positive on that.

Q. Refresh your memory. I will tell you that a list of them shows from examination of dates that in about nine cases out of ten the date of the affidavit, the date of the check, the date of the warrant, the date of your receipt are all the same day. *A.* It might be that way.

Q. Did Mr. Ford approve them in your presence? *A.* Sometimes; he always let the engineer go over them before he approved them.

Q. When you brought the bills up, to whom did you hand them? *A.* Generally handed them to Mr. Ford.

Q. Did you bring them in duplicate, or single bills? *A.* All single bills, I guess.

Q. Think of that a little; didn't you bring duplicates? *A.* Not to my knowledge.

Q. On certain occasions didn't you bring duplicates? *A.* I don't know of any.

Q. Then didn't you send a duplicate beforehand? *A.* No, sir.

Q. Where was the engineer, checking this off with Riker and Ford? *A.* I don't know anything about that.

Q. Why did you swear to it? *A.* I never seen the engineer and Riker; sometimes Mr. Ford would tell me to hand the bill to Mr. Boyd; I have never seen them together at all.

Q. You swore a few minutes ago that the engineer always checked them off before they were passed? *A.* Well, Mr. Ford used to say, "Give the bill to the engineer," when he didn't check it himself, and the engineer took it and always approved the bill.

Q. And he would go out and come back with it, would he? *A.* I can't tell you that.

Q. You saw the bill afterwards, you say? *A.* Sometimes I did; sometimes I didn't; I had other business.

Q. You waited about the State House until you got your check? *A.* No; go away and come back in the afternoon.

Q. But you left the bills with Mr. Ford? *A.* Not all the time; no.

Q. Who else did you leave them with? *A.* Sometimes carry them in to Mr. Riker, in the Treasurer's office.

Q. But you gave them to either Riker or Ford? *A.* Yes, sir.

Q. Did you ever go over them with Ford to see whether they were right? *A.* No, sir; that was not my business.

Q. It will be sufficient for you to answer the questions, with-

out commenting. Did you go over them with anybody? A. No, sir.

Q. Well, after your bookkeeper made them out, didn't you look them over yourself? A. No, sir; I had confidence in my bookkeeper; I am not a bookkeeper myself, and I always took it that it was right; I unfortunately am not a bookkeeper myself; I couldn't do it.

Q. But you never went over one of them afterwards? A. It wouldn't do me any good to go over them if I did.

Q. Did you? A. If there were any errors they would send for me, and I would tell them to correct them.

Q. Why don't you answer the question? A. I am not positive; I might have looked at them a dozen times; I couldn't tell about that.

Q. I asked you after the bills were made out whether you went over the bills with anybody? A. I don't recollect that.

Q. Did the Superintendent of the State House, or anybody at the State House, return the slips to you? A. No, sir.

Q. Any of them? A. No, sir.

Q. Did he make a statement and return that to you? A. No, sir.

Q. Are you sure about that? A. I am positive about that.

Q. Did Mr. Ford make a statement of weights or quantities? A. No, sir.

Q. Did you give instructions to the bookkeeper to make up the bills? A. Always at the end of the month the bookkeeper made up the bills; I told him I wanted the State House bills.

Q. Well, they were not made up exactly at the end of the month, Major Hurley; they were made up on the 9th of the month, and the 13th of the month, and the 4th of the month, and the 24th of the month. How did he know when to make it up—you told him? A. I always told him; yes, sir.

Q. What instructions did you tell him? A. I had no instructions to give him—none at all, sir.

Q. Told him to make up the bill? A. Make up the bill.

Q. Did you give him any instructions as to the prices? A. He knew the prices; whatever the current price was to the public, to other institutions, there was the price regulated on the schedule of the Coal Exchange for State institutions, and the State House and all State institutions come under the one head, and it was changed from time to time.

Q. Did anybody else come under the same head? A. Yes, sir.

Q. Who else? A. Heaters and cracker-bakers.

Q. You had certain customers who came under this head of gross prices? A. A dollar above circular.

Q. A dollar above the circular price? A. Yes, sir; a dollar a ton.

Q. That was the delivered price. You had a bookkeeper by the name of Fritz, didn't you? A. Yes, sir.

Q. When did he leave your employ? A. I guess 1891, sometime.

Q. He kept all your books while he was with you? A. He kept the coal books.

Q. How long had he been your bookkeeper? A. Well, I suppose four or five years; I am not sure of that now—three or four.

Q. Has he been in your employ since? A. No, sir.

Q. Did you get him back to help make out the bills or to balance up his accounts afterwards? A. No, sir.

Q. Did you have him—haven't you had your books gone over by anybody? A. By counsel.

Q. Anybody besides counsel? A. Bookkeeper I have now.

Q. Anybody else? A. No, sir.

Q. Mr. Fritz hasn't been over them since he left you? A. Not to my knowledge.

Q. Have you had any bookkeeper go over them? A. No, sir; not outside of my office.

Q. Your own bookkeeper has been over them with your counsel; when was that? A. Well, my counsel hasn't been over the books; he looked over some items; I have talked with him in the matter and took counsel.

Q. When did your present bookkeeper go over them for you? A. I can't tell you; I don't know.

Q. About how long ago? A. I can't tell you.

Q. When did you direct him to go over them? A. I didn't direct him at all.

Q. Why do you say he went over them? A. Comparing items and different things; it is his business to go over the books and keep them straight.

Q. Well, did he straighten up some entries? A. I don't know that he straightened anything; I don't think there was anything to straighten; not to my knowledge.

Q. You don't think there was? A. No, sir.

Q. Think a minute; are you quite clear that nobody has gone over these books except your bookkeeper and your counsel? A. Not to my knowledge; no, sir, I don't know anything about that.

Q. Have you gone over them yourself? A. No, sir, I can't go over them.

Q. Have you had any expert examine them? A. No, sir, I say no; I had a man four or five years ago that I called in to examine them when the bookkeepers changed.

Q. That is the time one bookkeeper went and the other came? A. Yes, sir.

Q. Who was that? A. Mr. J. D. Rub.

Q. Did he find them all right? A. I guess he did.

Q. He didn't report them wrong? A. No, sir.

Q. Did he report that he found them all right? A. I don't remember now what his report was.

Q. He didn't report anything against the former book-keeper, did he? A. No, sir.

Q. You had him examine them to see if they were all right? A. Yes, sir.

Q. Did he examine your cash books? A. I don't know; he went over all the books we had.

Q. How would you find out the condition of your cash if you wanted to find it out to-day? A. I don't know; I have a way of doing this business; I have the utmost confidence in those men around me; I have nobody but myself; I am the boss myself, and I control it all.

Q. Do you mean to say you haven't any book that shows the condition of your business, the condition of your cash? A. You have got all the books that we have here in your possession.

Q. Did you know that your boy D'Arcy had destroyed your cash books here a year or two ago? A. Yes, the cash books are not worth a cent; they are books, memorandum books, that are kept, and when they are three or four years old we do not make any account of them.

Q. They were the best you had? A. We don't make any account of them, the accounts are on the ledgers.

Q. They are such books as we see here? A. If accounts are closed we consider them closed. When I have a contract or anything and it is settled, it is done.

Q. Did you know that your boy had destroyed those books? A. No, sir.

Q. Did you hear that here for the first time before the Committee? A. I think I did; yes, sir.

Q. Didn't know that he had destroyed them? A. No, sir.

Q. Didn't you blow him up for it? A. No, sir; I didn't, because I didn't consider them of any account.

Q. You didn't think your cash books are of any account after they are two or three years old, do you? *A.* These were three or four years old.

Q. No; they come up until 1892, they are only two or three years old. They are destroyed, are they? *A.* Destroyed; yes, sir.

Q. Did you ever give him any instructions to destroy the books? *A.* No, sir.

Q. Destroyed the weight books? *A.* No, sir; the weight books do not amount to anything.

Q. They don't if they are destroyed, but they show the weight of the old coal. *A.* It would be a good thing for me if I had those books; they have all been receipted for by some employe of the State House.

Q. When your bills to the State House were made up what were they made up from? *A.* I don't know anything about that.

Q. Then you don't know whether they were made up from the books or not? *A.* I know the bills were made out and handed to me and I come up here with them.

Q. When you told the boy to make out the bill, he made it out, and you didn't see him, and you don't know whether it was taken from the books or not? *A.* No; I don't know anything about that.

Q. Was there anything else that he might have made it up from besides the books? *A.* Nothing but the records of the office.

Q. Well, what were the records of the office besides these books? *A.* There was a memorandum book, as you call it, that stub book, and sometimes they had a sheet of paper and was copying weights on there, and then they carried it from that, I suppose, to the day book or order book.

Q. That sheet of paper was one of the things that played a part in making up these bills against the State? *A.* I don't know anything about that; the State bills were made up the same as any other bills; our bills are all made straight.

Q. Are they? *A.* Yes, sir.

Q. We will see about that; now, Mr. Hurley, why did you make bills to the State for larger amounts of coal than your books showed? *A.* I don't know of any such bill being made.

Q. Why did you add to the quantities in making up your bills? *A.* I never knew anything about that.

Q. You mean to say you didn't know it? *A.* I do.

Q. Did you add a fixed percentage? *A.* No, sir.

Q. Did you add a lump sum? *A.* No, sir.

Q. What did you add? A. Added nothing.

Q. How did you get at it when you added the weights to the coal? A. That was not my part of the work.

Q. Whose part was it? A. There wasn't anything added; we don't add anything in our business; there was nothing of that kind done, not to my knowledge.

Q. Was it done for political uses? A. No, sir.

Q. For what use was it? A. Anything that was done was done legitimate and straight; there was nothing added at all to my knowledge.

Q. What were these weights of many thousand pounds of coal added to your bills for? A. I don't know anything about that; I don't know that there were ever any added.

Q. Was something added to every bill? A. Not to my knowledge.

Q. Was something added to part of the bills? A. Nothing at all that I know of.

Q. What was the rule by which you got at to know how much to add? A. We didn't add.

Q. Who suggested that you add something to the weights of the bills? A. There has been no suggestion, no adding.

Q. Did you give any direction to the bookkeeper to add something to the weights? A. No, sir, nothing—to add anything.

Chairman Voorhees—The witness understands the effect of the answers?

The Witness—I understand thoroughly.

Q. I am not asking these questions idly, Major. Did Mr. Ford suggest that you add something to the bills? A. Mr. Ford never suggested anything.

Q. Did anybody about the State House suggest it? A. No, sir.

Q. Then why was it done? A. It was not done, to my knowledge.

Q. Who got the benefit of the raise in the bills? A. I got all the money and deposited it myself. I had the checks, and deposited it the same as I do in any other transaction.

Q. You got all the money that these bills represent? A. Yes.

Q. Well, after you got it all did you give some of it to Ford? A. No, sir.

Q. Did not? A. No, sir.

Mr. Corbin—There is another witness present whom I will examine and whom I would prefer to have retire from the room during the remainder of this cross-examination, and that is Mr. Daniel McCarty.

Chairman Voorhees—Mr. Daniel McCarty will retire from the room.

Q. Did any one else get part of this money afterwards? A. No, sir.

Q. After your bills were paid did you make presents to somebody? A. I did not, sir.

Q. Not in money? A. What do you mean; just tell me what you want me to answer; no, sir; I never made any presents out of any coal money.

Q. Well, after the State paid your coal bills, didn't you make some presents to people connected with the State government? A. No, sir.

Q. Didn't you get some money to them through a little indirect source? A. No, sir.

Q. Did you not put in your bills greater amounts of coal than you delivered? A. Not to my knowledge.

Q. Were you not paid for more coal than you delivered? A. Not to my knowledge, sir.

Q. Were not items put in your bill which did not appear at all in your books? A. Not to my knowledge, sir.

Q. Were not items put in your bills for coal which was never delivered? A. I don't know anything about that.

Q. Were not items in your bills erased? A. Not to my knowledge.

Q. Were not entries in your books altered after the coal had been delivered? A. Not to my knowledge, sir.

Q. Were not false entries of coal made in your books? A. Not to my knowledge.

Q. Were not false entries put in the bills? A. Not to my knowledge.

Q. Well, now, "not to your knowledge," what is your idea about it? A. I don't think there was.

Q. Don't you think you might have heard of it? I don't know anything about it.

Q. Did you ever hear anything of the sort? A. No, sir.

Q. It is all news to you, is it? A. It is news to me.

Q. You got paid for all the items that are in your bills?

A. I got paid—for every bill there is there I have got the money for it.

Q. Haven't the books been altered since you were paid for the coal? A. Not to my knowledge.

Q. Have they not been recently altered? A. I don't know anything about that.

Q. Well, now, Major, you ought to know about that; have your books not been recently altered? A. Not to my knowledge, sir; I don't know that they were.

Q. (By Chairman Voorhees)—Did you instruct anybody else to alter them? A. No, sir.

Q. (By Chairman Voorhees)—Or instruct anybody else to instruct some other person to alter them? A. No, sir.

Q. Where have your books been lately? A. Right in my office until you got them here; you have had them here pretty near a week.

Q. Yes, I have; they have been gone over, haven't they, since the first of January? A. I can't tell you anything about that; I am not a bookkeeper.

Q. Who has had access to them; have they been gone over since the 1st of January? A. I don't know anything about it: I don't know that they were.

Q. Who has changed these books; have you? A. I don't know anybody has changed them at all.

Q. Hasn't Fritz helped do it? A. I don't know that he did.

Q. When was the last time you had him do some work on the books for you? A. I don't remember.

Q. Well, within a year? A. Not to my knowledge.

Q. (By Chairman Voorhees)—What does the witness mean, "not to my knowledge"? Doesn't he know whether those books were gone over within a year? A. I couldn't tell whether they were or not.

Q. (By Chairman Voorhees)—Why can't you tell? A. Because I don't know.

Q. (By Chairman Voorhees)—Do you know whether they were gone over at all? A. I don't know whether they were or not.

Q. (By Senator Herbert)—Do you know anything about your business? A. No, sir; I know that I do business.

Q. When the summons in this matter was served on you, you said, "I am ready for you"; what did you mean by that? A. Well, I don't know; I said that, of course.

Q. You had been getting ready, hadn't you? A. No, sir; I had nothing to get ready for.

Q. What did you mean by it? A. I am always ready for anything.

Q. Hadn't you been getting ready by having the books gone over? A. I have nothing to do with the books myself.

Q. Not yourself, but by Fritz? A. No, sir.

Q. Or by D'Arcy? A. No, sir; D'Arcy is the bookkeeper.

Q. Or somebody else? A. Nobody else; no, sir.

JOHN A. FRITZ sworn.

Examined by MR. CORBIN.

Q. Where do you live? A. Trenton.

A. How old are you? A. Twenty-six.

Q. How long have you lived in Trenton? A. All my life.

Q. Are you a married man? A. Yes, sir.

Q. Were you a bookkeeper for Michael Hurley? A. Yes, sir.

Q. During what period? A. Part of 1889 to October, 1891.

Q. What books did you keep? A. Coal books.

Q. Ledgers? A. Yes, sir.

Q. Cash book? A. Yes, sir.

Q. Order books? A. Yes, sir.

Q. Weight books? A. I never kept a weight book.

Q. Well, receipt book, by which coal was delivered? A. Yes, sir.

Q. Did you weigh the coal? A. Yes, sir.

Q. You were there until D'Arcy come, weren't you? A. D'Arcy was there when I was there.

Q. But he succeeded you as book-keeper? A. Yes, sir.

Q. Were you the sole book-keeper while you were there? A. Yes, sir.

Q. Look at this ledger No. 4 and tell me if that ledger is in your handwriting down to the date, October, 1891? A. I think it is.

Q. Any doubt about it? A. No, sir.

Q. Refer to the State House account on page 55 and tell me if you kept that? A. Yes, sir.

Q. On page 56, did you keep that? A. Yes, sir.

Q. Page 60? A. Yes, sir.

Q. And 61? A. No, sir—part of it.

Q. Down to the time in October, 1891, when you left, you kept it, did you? A. Yes, sir.

Q. Just show me which date is the last one entered by you? A. May 19th.

Q. The next entry, October 6th, you didn't make? A. No, sir.

Q. What day in October did you leave? A. I think it was on—I don't remember exactly, but I think it was around the first.

Q. Refer to the order book No. 9, beginning with page 17, which is of the date, September 7th, 1889. Is this order book in your handwriting from that page on? A. Beginning there, yes, sir.

Q. Look on page after page right on after 17 and see it is all in your handwriting. A. Most of it is.

Q. Is there any that is not? A. Yes, sir.

Q. Where? A. There is one—there are several entries you will find all through the book that were taken when I was not at the office.

Q. That is an exceptional thing, however, is it not? A. Yes, sir.

Mr. Corbin—The thirty-five coal bills referred to by the witness, Michael Hurley, are offered in evidence to be marked from "Exhibit 144 to 178" inclusive, and will be marked in the order of their several dates.

Q. Look at "Exhibit 144," being voucher of September, 1889; is that bill made out by you? A. Yes, sir.

Q. And at "Exhibit 145," being the bill of January 1st, 1890; is that made out by you? A. Yes, sir.

Q. And "Exhibit 146," being the bill of March 31st, 1890; speak as to that? A. Yes, sir.

Q. And "Exhibit 147," being the bill of May 19th, 1890? A. Yes, sir.

Q. And "Exhibit 148," bill of November 7th, 1890? A. Yes, sir.

Q. And "Exhibit 149," bill of December 22d, 1890? A. Yes, sir.

Q. And "Exhibit 150," the bill of January 20th, 1891? A. Yes, sir.

Q. And "Exhibit 151," bill of February 24th, 1891? A. Yes, sir.

Q. And "Exhibit 152," bill of April 6th, 1891? A. Yes, sir.

Q. And "Exhibit 153," the bill of May 25th, 1891? A. Yes, sir.

Q. Look at book No. 10, and tell me how much of that is in your handwriting—down at the bottom of the page. A. On page 112?

Q. Which carries it down to about September 28th, 1891, does it not? A. I think it does.

Q. You kept it down to the time of your leaving Mr. Hurley? A. Yes, sir.

Q. Who told you to make out these bills? A. Nobody, really.

Q. How did you know when to make one out? A. Well, we generally made them out from, I think, around the first of each month.

Q. What did you make them out from? A. From the stubs of the receipts.

Q. From the stubs of the receipts? A. Yes, sir.

Q. And when you made out the bill about the first of the month it was for the coal delivered the previous month, was it?
A. Yes, sir.

Q. Where are the stubs of the receipts? A. I don't know.

Q. Well, what did the stubs of the receipts contain? A. The weight of each load that was sent here to the State House.

Q. Look at these stubs that I show you here that Mr. Hurley has produced. Is that the same stub you refer to? A. Yes, sir.

Q. Well, in making out your bill you had to put in something besides the weight, didn't you? A. No, sir.

Q. Did not? A. No, sir.

Q. Well, as a matter of fact, your bills have got prices in them? A. Well, I put in prices on the bill, yes, sir.

Q. You mean to say you made out those bills without referring to your books at all? A. Yes, sir.

Q. When did you post your ledger? Every two or three days.

Q. Now, let us take just one of them. Now, look at the State House account, page 55 on ledger 4; this first bill I show you is made out September, 1889; at the time that bill was made out, September 18, 1889, these September entries were already in your book, weren't they? A. I am not positive about that.

Q. Well, take the next one. Your next page was January 1, 1890; the items were already in your ledger, weren't they? A. I won't be positive of that.

Q. (By Senator Skirm)—Why are you not sure? A. Well, I would sometimes make out the bills from the stubs, but not always.

Q. (By Senator Skirm)—How often did you enter them in your ledger? A. I hadn't any stated time.

Q. But every two or three days? A. Generally every two or three days.

Q. Well, when you posted them in your ledger where did you post them from? A. I generally put the amount first in the sales book or order book, and posted them from that.

Q. From that into this ledger? A. Yes, sir.

Q. How often did you post from this sales book into your ledger? A. I said every two or three days.

Q. At the end of the month you would make out your bills?
A. Generally; yes, sir.

Q. When you posted into the ledger you had to put down the date and amount and folio from your sales book and then extend that proper amount, didn't you? A. Yes, sir.

Q. These stubs didn't show any extension, did they? A. What do you mean?

Q. They didn't show the amount that coal would come to?
A. No, sir.

Q. (By Chairman Voorhees)—You understand what Mr. Corbin means by the word "extension"? A. Yes, sir.

Q. You mean to say you made out the bills to the State from these little books and calculated the amount without ever looking at your ledger? A. Yes, sir.

Q. You didn't even refer to your ledger? A. No, sir.

Q. But cast it all up new and and figured out each load? A. Yes, sir.

Q. What did you do that for? A. I hadn't any particular reason.

Q. You did double work, did you? A. Yes, sir.

Q. After you got your bill made out did you look to see if it agreed with your ledger? A. Not always.

Q. Did you ever? A. I don't remember whether I did or not.

Q. And you mean to tell us that you made out these long bills, some of them with a page or two from these little items, and figured each one up item by item, when you had it all ready on your ledger? A. I didn't have it always on my ledger.

Q. You said you posted up the ledger every two or three days. A. Yes, sir.

Q. Your bills were made out once a month? A. Yes, sir.

Q. You made out the bills, and didn't look to see whether your ledger was right or not? A. Yes, sir.

Q. That is true? A. Yes, sir.

Q. Was your ledger true when you entered your entries there?
A. As far as I know it was.

Examined by SENATOR SKIRM.

Q. Where did these entries on the ledger come from? A. From the sales book.

Q. Where did your entries on the sales book come from? A. From the stubs receipts.

Q. You entered them daily? A. No, sir; I didn't say daily.

Q. These little ones, when did you enter these? A. On my sales book?

Q. Yes. A. Whenever I had time.

Q. Every day or two? A. Well, I hadn't any specified time.

Q. You must have done it as often as every two or three days, for you say you posted them into that— A. Every two or three days.

Q. Did it every night, didn't you? A. No, sir.

Q. What were you doing all day? A. Nothing particular.

Examined by MR. CORBIN.

Q. Weren't catching mice, were you? A. That was not my business.

Q. Now, Mr. Fritz, I want you to reflect a little bit on that, for I am directly going to show you your entries. These little books were carried in the drivers' pockets, and they were not in very long? A. They were turned in after every load that was delivered.

Q. Several times a day? A. Yes, sir.

Q. And then you put another load on? A. Yes, sir.

Q. At night they were turned in, were they, in the office—every night, weren't they? A. Yes, sir.

Q. And from these you posted these dates and weights into this sales book? A. Yes, sir.

Q. Then, in the sales book, opposite the item, you entered the price, didn't you? A. Generally; yes, sir.

Q. And then these books went out and were used the next day again? A. Yes, sir.

Q. That was your custom of doing your business? A. Yes, sir.

Q. A half a dozen drivers with these in their pockets? A. Yes, sir.

Q. And that continued from day to day and from week to week? A. Yes, sir.

Q. Then you took this sales book and posted those in your ledger? A. Yes, sir.

Q. Giving the dates and weights and page of this book, and total price? A. Yes, sir.

Q. Didn't you? A. Yes, sir.

Q. And this is your only ledger in which you posted it? A. Yes, sir.

Q. And that you did every two or three days, or every day, as the case might be? A. Yes, sir.

Q. And as you had time? A. Yes, sir.

Q. Now, at the end of the month, you came to make up the bill? A. Yes, sir.

Q. And do you tell me that in making up your bills and sending them out to your customers you didn't open your ledgers? A. I didn't say to our customers.

Q. Well, perhaps there is a distinction there. A. I refer to the State House accounts.

Q. You refer to the State House? A. Yes, sir; when I said I posted those bills from those stubs, I was referring to the State House accounts.

Chairman Voorhees—We are glad to know it was this account alone.

Q. In other cases if you were sending a bill—let us look at the next customer on the book, The Delaware River Ice Company, would you refer to their account on the ledger to make a bill to send them? A. Yes, sir.

Q. Or the "True American" office? A. Yes, sir.

Q. You would refer to your ledger? A. Yes, sir.

Q. Or to Barlow & Marsh, you would refer to your ledger, wouldn't you? A. Yes, sir.

Q. Or to any other individual customer? A. Yes, sir.

Q. Now, do you tell me that in the biggest account you had on those books, with the State, that you made out bills to the State without ever looking at your ledger? A. I do.

Q. And that was your habit? A. Yes, sir.

Q. What was your reason for that? A. So that I would have the weights correct, because they were receipted at the State House—the exact amount.

Q. Well, how about your ledger; didn't you want your ledger correct? A. I did; yes, sir.

Q. But you didn't even take your bills and check them back with your ledger? A. No, sir.

Q. When you sent bills to the State House, in which you took this extraordinary precaution to go back to the weights, you did not refer to your salesbook or ledger when sending the bills? A. No, sir, because it was not always in them.

Q. Do you expect us to believe such a story as that? A. I don't know whether you believe it or not: I am telling you what is so.

Q. And you kept that ledger closed and didn't look at it to see whether your bill was right by the ledger? A. Yes, sir.

Q. Why did you do that; did you want to be ignorant of what the ledger showed? A. No, sir.

Q. If your bill went out on January 1st, on December 31st, the night before, you might have made entries in that ledger of coal? A. I may have done so.

Q. Yet you took these little books and kept this hidden, and went over the whole thing again? A. Yes, sir.

Examined by SENATOR SKIRM.

Q. Were those books always in the office so that you could get at them easily and make out your bills? A. Yes, sir.

Q. The drivers didn't have them out? A. Not when I wanted it.

Q. Even when the drivers were out; you had more than one driver? A. Yes, sir, we had several; those books would be handed to us; one would come in and then another.

Q. Then you always knew the book you wanted, to make out State bills? A. Yes, sir.

Examined by MR CORBIN.

Q. State bills are in all the books? A. Not all of them.

Q. Every driver drove coal there, didn't he? A. Most all of them.

Q. When you made your entries from these little books into the sales book, did you enter them correctly? A. I think I did.

Q. When you entered them from the sales book to the ledger, did you enter them correctly? A. I think so.

Q. Took the same care that you took with other people's accounts? A. Yes, sir.

Q. No more care? A. No more care.

Q. Just the same? A. Just the same.

Q. When you came to make the bill, at the end of the month, you went over all that again; did double work, did you, and yet never compared it with your former extensions? A. Yes, sir.

Q. (By Senator Skirm)—What was the object in your doing that? A. In doing which?

Q. (By Senator Skirm)—In the course which you say you pursued? A. I hadn't any special object in it any more than to be correct.

Q. (By Senator Skirm)—Why should you take these books rather than the ledger account? A. Very often, in posting up from those stubs, I would put in two or three days at a time; I would put it in in a lump; put in the lump weight in the ledger; but in sending the bills I would always put the daily weight in.

Q. Do you want me to leave that right there; do you want to leave that as your statement here? A. That is my statement here.

Q. (By Senator Voorhees)—Do you want us to believe that? A. Yes, sir.

Q. Don't you want to make any more explanation about that? A. Is there any more explanation to make?

Q. I am afraid on the footings it will come out.

Q. (By Senator Skirm)—Did you make any other account that way—make up your accounts from those little stubs; did you ever make up any accounts that way, excepting the State account? A. Yes, sir.

Q. (By Senator Skirm)—Whose were they? A. Well, I generally made up the statement with the Trenton Cracker Company's account that way, or in any accounts that we sent the coal by the load, and not by the exact ton.

Q. What was your object in keeping a ledger if you were never going to refer to it again? A. I didn't keep the ledger for that purpose; I kept the ledger to refer to it.

Q. But you didn't refer to it you say? A. Not in all cases, in making out bills.

Q. But you say in making out the State bills you habitually did not? A. Yes, sir.

Q. When the money came in did you never refer back to see whether it was right? A. Yes, sir.

Q. What did you find? A. Well, I generally found it right.

Examined by SENATOR SKIRM.

Q. You never made any errors, then, in copying from your books the number of entries—20 or 30 a month—you never found any errors when you posted your ledger at the close of the month? A. Yes, sir.

Q. No omissions? A. Yes, sir, I often found errors.

Q. That is, in the State account? A. In the State account and every account.

Q. Then wouldn't it have been well to have taken the ledger rather than simply the small books, when you found errors? A. Well, when I found errors I would turn to the small books and compare them with my ledger.

Q. And then correct your ledger? A. Yes, sir.

Q. So as to make your ledger and your cash balance? A. No, sir, to make the account right.

Q. You don't understand me; I mean to say that if you would find any errors after making it up in this manner, and then when you got the check from the State you would always balance your ledger? A. Yes, sir.

Q. Always balance? A. Yes, sir.

Q. Always correct? A. I think so.

Examined by MR. CORBIN.

Q. Why did you not copy the entries into your ledger correctly? A. Well, I always intended to.

Q. Do you think you could have made a mistake of as much as 30,000 pounds in one item without discovering it? A. I might have done so at the time.

Q. Do you think you could make three such errors, amounting to 90,000 pounds, in one bill, without seeing it? A. Do you mean difference in the bill?

Q. Between the bill and the charge in the ledger. A. It is possible, yes, sir.

Q. Why did you raise the figures in your ledger? A. Raise them?

Q. Yes. A. Where have I raised them, any more than to make the account right where I made an error?

Q. Why did you put false items in your bills which were not in your books at all? A. I never did such a thing.

Q. Where did you get those items from? A. Which items do you refer to?

Q. The false items in your bills. A. I said I didn't put any false items in my bills.

Q. Did Mr. Hurley tell you what amounts to put in your bills? A. No, sir.

Q. Why did you make the false extensions in figuring up what the price of coal was? A. I never did so.

Q. Did Major Hurley tell you how much to raise your bills? A. No, sir.

Q. Did he tell you how much to raise your books? A. No, sir.

Q. How much did you raise them? A. I never raised them.

Q. What percentage of raise did you make? A. I never raised them at all.

Q. When you were raising a bill, did you add a fixed percentage or a lump sum? A. I never raised them.

Q. Did you raise all the bills or only part of the bills? A. I never raised any of the bills?

Q. Why did you erase the footings in your ledger and change them to other footings? A. I suppose because there must have been an error there.

Q. (By Chairman Voorhees)—Did you know that those bills had been raised? A. No, sir.

Q. (By Senator Daly)—Have they been raised? A. Not to my knowledge.

Q. Why did you carry out false footings at the bottom of your pages? A. I don't know as I ever did.

Q. Who got the money represented by this raise in these bills? A. There was never any bills raised.

Q. When did you last see these books? A. I don't remember exactly.

Q. About when? A. About three years ago.

Q. (By Senator Skirm)—You mean to say you have made no entries in them since? A. No, sir.

Q. Haven't gone over them since? A. I looked over one book?

. When? A. A short time ago.

Q. How long ago? A. Last Sunday.

Q. Which book was that? A. The ledger.

Q. No. 4? A. I think it was No. 4.

Q. Who was with you? A. Mr. D'Arcy.

Q. Who else? A. Nobody.

Q. Did you take any memorandum of what you saw in the books? A. No, sir.

Q. Did you make any entries in the books? A. No, sir.

Q. Did he? A. No, sir.

Q. What account did you look over? A. The State House account.

Q. Why did you look over the State House account? A. Mr. Hurley wanted to know if the books were correct during my time there.

Q. Did you go over them carefully? A. Yes, sir.

Q. Did you find them correct? A. I think they are.

Q. You didn't see anything there to excite any suspicion, any incorrectness? A. No, sir.

Q. Were they just as you had left them? A. Yes, sir.

Q. And whatever we find there in them is in your handwriting is it? A. Yes, sir.

Q. You had better take a look at page 55, and make sure of that? A. It all appears to be in my handwriting.

Q. Then turn on to the next page, which is page 56, is that yours? A. Yes, sir.

Q. Footings and all? A. Yes, sir.

Q. Then turn over to page 60 and 61; are those yours, that is, down to the date that you have mentioned, of May, 1891? A. Yes, sir.

Q. When you went over these last Sunday did you make any corrections in them? No, sir.

A. Change some figures? No, sir.

Q. Did you look at the order books? A. Yes, sir.

Q. Did you go over those and check off the items which were entered here? A. Yes, sir.

Q. Did you find them correct? A. I think I did.

Q. And did you make some changes in the order book too? A. No, sir.

Q. Did D'Arcy? A. No, sir.

Q. Did anybody else? A. No, sir; not that I know of.

Q. (By Chairman)—Did you indicate where changes were to be made? A. No, sir.

Q. (By Chairman)—Did D'Arcy? A. No, sir.

Q. Did you take any pencil memoranda? A. No, sir.

Q. Did D'Arcy? A. No, sir.

Q. Then these books are in the same condition which you left them in 1891? A. Yes, sir; as far as I can see, they are.

Q. When did the erasures which appear there—the changed footings? A. During my time with Mr. Hurley.

Q. I suppose you observed that all those footings are erased, didn't you, that I showed you just now? A. I didn't take particular notice to them.

Q. It was done then? A. If there was any; yes, sir.

Q. How often did you balance your cash? A. I don't know as we ever balanced it, really.

Q. Did you have any book that showed how much cash you ought to have on hand? A. No, sir.

Q. And couldn't you tell except by counting it? A. No, sir.

Q. Where were you taught bookkeeping? A. Business college.

Q. (By Chairman)—In justice to the business college I will ask you, is that the way they taught you to keep books? A. No, sir.

Q. Why, then, did you keep your books so that you couldn't tell how much cash you had on hand? A. I continued keeping them in that way simply because they were kept in that way before I came, and I was instructed to do so.

Q. During these two or three years you were bookkeeper, what would be the method of finding out how much cash you had on hand? A. Only by counting, and the balance in the bank; that is the only way.

Q. You had no method of finding out how much you ought to have on hand? A. No, sir.

Q. Then the disappearance of a five-dollar bill, or a ten, or a fifty, could not be checked up by any book you had? A. Not by any book; no.

Q. Nor any way unless you knew how much you had the night before and counted it in the morning? A. We generally kept a slip in the cash box.

Q. (By Senator Skirm)—What did you have on that slip, the cash entries of the day? A. Yes, sir.

Q. (By Senator Skirm)—What became of it at night? A. Generally destroyed.

Q. Not carried anywhere? A. No; the balance was carried over to a new slip the following day.

Q. (By Senator Skirm)—You carried on those slips? A. Yes.

Q. Did you keep one cash book or two cash books while you were bookkeeper? A. One.

Q. You had the debit on one side and credit on the other? A. Had the debit.

Q. Where was the credit? A. Didn't keep any.

Q. Didn't keep any credit cash? A. Only on those slips.

Q. How could you tell what you paid out? A. By those slips and by receipted bills.

Q. When you paid out five or ten dollars for a bill that was presented, didn't you enter it in any book? A. No, sir.

Q. There was no record, even at that time, to show where your money went to? A. No, sir.

Q. What was the object of secreting those facts? A. I don't believe there was any.

Q. And if your employer had asked you at the end of the month where the cash had gone to, you wouldn't have been able to tell him, except from memory? A. Show him by the receipted bills.

Q. Suppose some had gone out for which no receipted bill was given? A. We got a receipt for everything that was paid.

Q. When the employer himself took cash out of the drawer, did you get a receipt from him? A. No, sir.

Q. Did your ledger account at that time have a cash account in it? A. No, sir.

Q. (By Chairman)—Do I understand that you advertise yourself as a public accountant? A. Yes, sir.

Mr. Corbin—This is a public account we are at, you know.

Chairman Voorhees—Yes, I see.

Q. Mr. Fritz, do you desire to give any information as to how these bills came to be put in here for false amounts and raised amounts, and to be entirely discordant with these books? A. I don't know that there are any false amounts in them.

Q. You have nothing to volunteer on the subject? A. I say that I don't know that there are any false amounts.

Q. You only have to look at the first three items to see that; but you mean to say you know nothing about them? A. I don't know if there is any false amount.

Q. And that when these checks came back from the State and you entered them upon the ledger, you did not discover that they did not agree with the bills you had sent? A. Not always.

Q. Well; why is it, Mr. Fritz, that all these checks in your time that are returned by the State and are entered on your

ledger have been erased and other figures put down; why did you do it? A. I am sure I don't know, unless an error on my part.

Q. Did you make a blunder every time the State sent you a check? A. I don't know.

Q. Don't you know that within the last three weeks you have changed those figures? A. No, sir.

Q. I think the rest of us will know it before we get through.

Q. (By Chairman)—Fritz, you know the law you are testifying under, do you? A. Yes, sir.

Q. (By Senator Skirm)—Do you mean to tell the Committee, Mr. Fritz, that you kept no cash book, whatever? A. No, sir.

Q. (By Senator Skirm)—To tell where your money came from, or where it went to; now do you mean for this Committee to believe that? A. I mean to say that all the cash was received.

Q. What did you do with it? A. There is an account for the—

Q. What did you do with it? A. It is in the cash book, all cash received.

Q. That is the question I asked you—what became of it? A. That is the debit cash.

Q. (By Senator Skirm)—Then what became of it? A. Generally deposited.

Q. (By Senator Skirm)—You mean to say you never balanced your cash to know whether it balanced or not? A. No, sir; I did not.

Q. (By Chairman)—Did you ever suggest to Major Hurley the necessity of doing that? A. I am sure I don't know.

Q. (By Chairman)—Wouldn't you, as an expert accountant, suggest the propriety of so doing? A. I may have done so; I don't bring it to my knowledge just at present.

Q. (By Chairman)—Why wouldn't you do it for your own protection? A. I may have done so; I don't remember.

Q. Well, if you did so he didn't follow the suggestion, did he? A. No, sir.

Q. Does he know anything about books at all? A. No, sir.

Q. He has stated here he knew absolutely nothing about them. A. He doesn't.

Q. (By Senator Skirm)—Then you simply kept these accounts from Mr. Hurley saying he didn't know anything about their accuracy, and you kept them in this manner so no man could trace your account or know whether your cash would agree? A. They were kept in that way; yes, sir.

Q. What possible reason could you have for that? A. I simply followed the system that was laid down before me.

Q. Can't you see the position that puts you in as a bookkeeper and custodian of the cash? A. Yes, it put me in a very peculiar position.

Q. Major Hurley knew nothing about books? A. No, sir.

Q. Who instructed you to go on in that way? A. I asked Mr. Hurley, and he said go on and keep them as they had been before.

Q. He left it all to you? A. Yes, sir.

Q. Didn't even make a suggestion as to when you were to make out a bill? A. He may have done so.

Q. But you made out the bills yourself your own way. A. Yes, sir.

WILLIAM D'ARCY, recalled.

Examined by MR. CORBIN.

Q. You became bookkeeper, I think you said, in October, 1891, for Mr. Hurley? A. Yes, sir.

Q. I want to show you bills made out to the State after that date. I show you "Exhibit 154," bill of December 1st, 1891. Is that in your handwriting? A. Yes, sir.

Q. Also "Exhibit 155," bill of January 2d, 1892; is that in yours? A. Yes, sir.

Q. "Exhibit 156," bill of February 1st, 1892; is that yours? A. That is mine; yes, sir.

Q. "Exhibit 157," March 1st, 1892; is that yours? A. That is mine; yes, sir.

Q. "Exhibit 158," April 1st, 1892; did you write that? A. I wrote that; yes, sir.

Q. "Exhibit 159," May 2d, 1892; is that yours? A. That is mine; yes, sir.

Q. "Exhibit 160," June 1st, 1892; is that yours? A. That is mine; yes, sir.

Q. "Exhibit 161," October 4th, 1892; is that yours? A. Yes, sir.

Q. "Exhibit 162," October 31st, 1892? A. That is mine; yes, sir.

Q. "Exhibit 163," December 1st, 1892? A. That is mine.

Q. "Exhibit 164," January 2d, 1893? A. That is mine.

Q. "Exhibit 165," January 31st, 1893? A. Yes, sir; that is mine.

Q. "Exhibit 166," February 27th, 1893? A. Yes, sir.

Q. "Exhibit 167," April 1st, 1893? A. Yes, sir.

Q. "Exhibit 168," May 8th, 1893? A. Yes, sir.

Q. "Exhibit 169," July 25th, 1893? A. Yes, sir.

Q. "Exhibit 170," bill without date, approved November 3d, 1893? A. Yes, sir.

Q. "Exhibit 171," December 1st, 1893? A. Yes, sir.

Q. "Exhibit 172," December 28th, 1893? A. Yes, sir.

Q. "Exhibit 173," January 29th, 1894? A. Yes, sir.

Q. "Exhibit 174," February 26th, 1894? A. Yes, sir.

Q. "Exhibit 175," March 26th, 1894, is that yours? A. Yes, sir.

Q. "Exhibit 176," April 3d, 1894? A. Yes, sir.

Q. "Exhibit 177," May 24th, 1894? A. Yes, sir.

Q. "Exhibit 178," August 1st, 1892, this is out of order? A. Yes, sir.

Q. When you made out your bill, what did you make it from? A. From the ledger.

Q. Made up from the ledger? A. Yes, sir.

Q. Copied your ledger? A. Copied the ledger; yes, sir; and also verified my accounts from the stubs which we had from the receipts which we had got back from the State House, from the employees who signed them.

Q. Who told you when to make up the bill to the State? A. I knew that the bills should be made up monthly; it didn't need any telling.

Q. Answer the question; who told you? A. I always make up bills on the first of every month.

Q. Did anybody tell you? A. No, sir.

Q. You copied them from the ledger and you also referred to the stub book? A. I verified the account before I delivered the bill to Mr. Hurley, to see that it was correct as to the amount which we had receipts for.

Q. Then you delivered the bill to Mr. Hurley? A. Yes, sir.

Q. And who would bring it up to the State House to get the cash? A. Yes, sir.

Q. How often did you post from these little receipt books into your sales book? A. Probably once a week.

Q. Not every night? A. Oh, I thought you meant from the sales book to the ledger every day.

Q. Every night you posted those up? A. Yes, sir.

Q. So that your sales books were complete every night? A. Yes, sir.

Q. These order books, how often did you post from these order books into the ledger? A. About once a week.

Q. These little receipt books contained the name of the customer, the date and the quantity, did they not? *A.* Yes, sir.

Q. And you transferred the name of the customer, the date and the quantity to the order book? *A.* We didn't use those books with private customers.

Q. Well, the State? *A.* Oh, yes.

Q. You didn't these with private customers? *A.* No, sir, that is an individual account.

Q. The Trenton Cracker Company? *A.* What I mean was by a ton at a time; we didn't send them out by the ton.

Q. Here is one ton egg—most of them are that way; but when you took those little books in hand to post up the State's account you would transfer the date, the name of the account and the quantity to the sales book, would you not? *A.* Yes, sir.

Q. And that you did every night? *A.* Yes, sir.

Q. And checked them off in here as done? *A.* Yes, sir.

Q. Now, as a matter of fact, didn't you every night simply enter in these order books the name of the State? *A.* Yes.

Q. And the date under its proper date and leave the quantity to be filled in afterwards? *A.* Never in my life since I was with him in 1891.

Q. I will submit that to the Committee and they will see that most of them are done afterwards, and not room enough left for them in most cases. Never in your life put them in afterwards? *A.* No, sir.

Q. Let me refer you to one and let us see if you can give any explanation; I want to be fair with you, young man; well, I will show you three or four. Look at order book 11, page 203, in the middle of the page? *A.* Yes, sir.

Q. 15,240 pounds; do you mean to tell me that was not filled in afterwards? *A.* Filled in on that same evening, yes, sir, after the coal had been delivered.

Q. And the item was written in first and then you did fill it in afterwards? *A.* The name of the State and the broken coal was always entered that way, to be filled in when we knew the number of loads would be delivered on that day.

Q. Then you modify your answer? *A.* I couldn't enter in the name of the State the amount of coal delivered without knowing how many loads we delivered on that day.

Q. Why didn't you do it with other people? *A.* Other people we sold a specific quantity to, a quarter of a ton, a half ton or a ton.

Q. Normal School that day, 9,750 pounds? *A.* Yes, sir.

Q. That seems to be all straight? *A.* Isn't that straight?

Q. No, that is entered crooked? A. Simply because we had the number of pounds there to compare.

Q. Then you modify your former answer; you did put in a number of pounds? A. After we knew the number of pounds we had delivered.

Q. The entry was not made all at the same time? A. No; the name of the State House appeared first.

Q. Did it sometimes go over till the next morning before you knew what figures to fill in there? A. No, sir.

Q. Always that night? A. Always that night.

Q. And you always posted these before you went to bed? A. Before I left the office.

Q. Every night? A. Pretty much; yes, sir.

Q. Never failed? A. I may have failed if I was busy.

Q. But you entered that State House account every day there, leaving the blank, and at night, when you found out, you would put in the figures? A. Put in the number of pounds we had delivered that day.

Q. Those little books from which you totaled up the days' amounts are now eaten by the mice, and burned? A. You have quite a number of them.

Q. Yes, in 1894 and 1895. A. It has been stated here that those receipts which were stated here could not be found—now, then, Mr. Sprechlen has showed us a string of them that long [indicating] in the cellar, if the Committee wishes to find them.

Q. They would be pleased to see them. A. Yes, sir; they are down in the cellar, in his desk.

Q. We have got about thirty, in July, 1893? A. I can get them.

Q. When we get through with you? A. Now.

Q. When we get through with you you can get them?

Senator Voorhees—The Committee will give you a vote of thanks.

A. I don't say they are all there.

Q. You will get as great a quantity as you can. Did some of the slips come back to you from the State House? A. Some of them; some of the leaves from this book.

Q. Did some of the slips come back to you from the State House? A. No, sir; they were not supposed to come back.

Q. Did they in fact come back? A. No, sir.

Q. You are quite sure about that? A. I am quite sure; they tear them off down here and receipt on the stub.

Q. When the eventful day came when you had to make up the

bill to the State, what did you have before you to make it out from? A. Had our ledger.

Q. Didn't you have some slips that came down from the State House? A. No, sir.

Q. And a sheet with some figures on? A. No, sir, I never saw such a sheet.

Q. What directions did Major Hurley give you as to making up these bills? A. The only directions was to keep the account as strict as I knew how and render him the bill.

Q. How often did he give you orders to keep them straight? A. Always to keep them straight.

Q. About how often did he speak of and say you must keep them straight? A. I can't recall how many times.

Q. That was a common saying of his, was it? A. No, sir; it was not a common saying, but he has warned me to be sure to keep the books right.

Q. Did you try to do so? A. Yes, sir, to the best of my knowledge.

Q. You didn't see any statement, then, that came down from the State House as to how much should be added to these bills?

A. Positively, no; there never came a statement back.

Q. Since you have been with Major Hurley have the books been examined? A. Yes, sir.

Q. Who examined them? A. Mr. Ruh examined them.

Q. When was that? A. I think in 1891 or 1892.

Q. It was after you came there, was it? A. Yes, sir.

Q. Is he an expert bookkeeper? A. I think so, yes, sir.

Q. Did he report them all right? A. Yes, sir.

Q. He examined your part or the part that went before you? A. The part previous.

Q. Not yours? A. No, sir.

Q. Didn't find anything to excite remark in them? A. No, sir.

Q. Did he comment on the fact that you had no cash book? A. He may have; I don't remember.

Q. But his work there did not lead you to keep any cash book which you could balance at all? A. No, sir.

Q. You didn't change in any respect? A. No, sir.

Q. Where do you go now when you want to find out how much cash ought to be on hand? A. We know how much we have in the bank and how much we have on hand.

Q. That is all the same as you told us this morning? A. Yes, sir.

Q. Nothing more than that; anybody else examine these books? A. Not since I have assumed charge.

Q. Anybody look them over with you? A. No, sir.

Q. Recently, no one looked them over with you? A. I have looked them over myself, to see whether my accounts were—

Q. Anybody with you, looking them over? A. No, sir.

Q. Haven't looked at them with anybody at all? A. Oh, I don't recall; I may have looked over them with Mr. Hurley.

Q. But nobody other than Mr. Hurley? A. I don't recall; I may have.

Q. Don't you think you would recall it if you had been going over these books; have you looked at the State House account with anybody lately? A. The State House account particularly?

Q. Yes; or generally? A. Yes, sir; I have looked over them.

Q. Who did you look it over with? A. Mr. Fritz.

Q. When was that? A. Oh, not a great while ago.

Q. About how long? A. It might have been a week.

Q. Look over your part of it or his part of it? A. Over all our parts.

Q. Did you find it all right? A. Yes, sir.

Q. Make any changes in it? A. No, sir.

Q. Did he? A. Didn't need any changes.

Q. These changes had been made before, had they? A. What changes?

Q. Didn't you know there were changes in the ledger? A. No—yes, I have made changes myself when I would find an error.

Q. When did you make them? A. Before entering a bill.

Q. But you didn't find anything there that you thought needed correction? A. No; lately, no, sir.

Q. He didn't? A. No, sir.

Q. He didn't make any entries? A. When?

Q. At the time you saw the books with him? A. No, sir.

Q. Did you? A. No, sir.

Q. Anybody? A. Nobody.

Q. And did you make any memoranda? A. No, sir; didn't need any memoranda.

Q. Did you go over the order books as well as the ledger? A. No, I don't think we referred to the order book.

Q. Didn't check it up with the order book? A. No, sir.

Q. What was your object in going over it? A. To see whether our statements would conform to the facts of the case.

Q. Well, what facts of the case? A. Well, we simply wanted to verify our accounts to see whether the accounts had been posted right and paid right.

Q. Posted from what; what did you have to look at? A. From our order books.

Q. But you say you didn't refer to the order books and check them up? A. Oh, well, we simply wanted to know whether our ledgers had been properly kept.

Q. Well, did you find that they had? A. We thought they were, yes, sir.

Q. Did you cast up any figures to see if they appeared to be right? A. Yes, sir; we have run up some columns.

Q. They seemed to be right, did they? A. Yes, sir.

Q. Has Fritz ever helped you with the books except on that occasion? A. That is all.

Q. Quite sure he didn't take a pen and make some changes in them? A. No, sir.

Q. Nor you didn't? A. I didn't; no, sir.

Mr. Corbin—I think we will have to let these books speak for themselves.

Begin at the beginning; the first coal bill I will hand up to the Committee is the bill of September, 1889. It is made out in this way, 111 tons, 830 pounds broken coal at \$5.10, \$568.25. There are no items on it. That was paid by the State. By referring to Ledger 4, page 55, you will find the items which make up this quantity. There are so many errors in this bill that I will have to call attention to them one by one. If you will total up the pounds in that ledger you will find that they are 229,962, which is a little less than 102½ tons, instead of 111 tons 130 pounds. That is the first raise. The next point I make with regard to this bill is that the extension is false. You will see it is extended—the first item, \$61.19, and you will find that the true extension is \$57.68, entered in the ledger \$61.19 over an erasure; you will find an erasure in the order book, as well. But, even as it now stands, it is falsely extended. The next item is the 10th of September, 26,690 pounds in the ledger. This item is extended in the ledger \$64.43; the true extension is \$60.79; the figures are erased both in the order book and in the ledger. The next item presents a different sort of treatment. In the ledger you will see weight 68,635; if you will refer to the order book you will find it 52,740, it having been raised 15,895 pounds. That is extended \$165.70, and the true extension is \$120.46. Now, if you will take the next item, 12,970 pounds, it is extended \$31.31, and

the true extension is \$29.58. The next item is 44,640 pounds, extended at \$113.83, whereas the true extension is \$101.64. The next is September 16th, 23,710 pounds, extended at \$60.46, and the true extension is \$54.06. The next item, 27,972 pounds, is simply a false entry—nothing in the order book to correspond with it at all—on page 20. If you will add all these you will find that the true extension—that is, even supposing these weights are correct as entered in the ledger, although they are all raised—the true extension of this whole bill is \$424.11, and they got \$568.25, a difference of \$144.14, or about 33 per cent.

Senator Daly—I want a minute made here that Major Anderson was Comptroller and John J. Toffey was the Treasurer during this time.

Mr. Corbin—The next bill is January 1st, 1890, made out, you will observe, by tons; six tons in the bill to the State. By reference to the order book you will find it has been changed from five tons (page 25, in the order book) to six, and six tons in the ledger. It is extended \$32.40: the true extension is \$25.50. The \$32.40 is over an erasure in the ledger. The next six items are \$5.40 in each bill. They have all been raised from \$5.10 each in the ledger. The item of January 12th is extended at \$13.20 and the true extension is \$40.80, over an erasure. The next item, 13th of January extended in the bill \$32.40, the true extension is \$30.60. The next, the 16th, is charged in the bill at \$21.60, and the true extension is \$20.30—page 57 in the order book. The next one is extended in the bill at \$10.80, and the true extension is \$10.20: that is charged in the order book also, page 58. That is a small change. Those small changes seem to be mere changes of the price, but the ledger does not agree with the bill. The next item, on the 19th, is \$8 paid for four loads of manure; it doesn't appear in the books at all. The item on page 62, of the order book has been raised from 9,814 pounds to 14,195 pounds, over an erasure.

Senator Daly—Do you find any bill lower to the State than charged on the books.

Mr. Corbin—No, that accident doesn't appear to have happened.

The total of this bill, taking these altered figures as correct (which I submit are rather untrustworthy), is

\$662.76, as against \$689.91 paid by the State. Even admitting that the quantity was as much as they say it is, the bill has been raised.

I submit the bill of November 7th, 1890, for \$280.82. The first three items in that bill seem to show how utterly discordant the books and the bills are. Observe a little item--the second item on that bill. The bill to the State is \$5.65, and \$5.50 on the ledger. I might say there are hundreds of instances of that sort where the items are a little bit raised. The item of September 15th is worthy of notice. It is raised in the ledger and order book from 2,590 pounds to 25,140 pounds. The bill calls for 25,140 pounds. You will find items in many of these bills which are not in the books at all--false items; some of them 30,000 pounds at a clip, and a good many of them. I would like to have the Committee look at this with a glass; I submit that these books have been recently tampered with--the ink is yet green on some of them, and the red ink is entirely different from that used before. You will find in many of these bills that there are items which do not appear at all on the books; for example, they amount in one bill to 90,000 pounds of coal; refer to the bill and the book, and the book immediately reveals it, for they have been altered to cover them up. There has been made, and I submit to the Committee, recently made, a lump increase on the books, like this one, for instance, that was billed to the State, and paid by the State, at 25,000 pounds; the item was 2,590 pounds, and that has been raised to 25,000 pounds, and you will find that that covers up a false entry a little further on, where they tried to force the books. But there is something else interesting about that item; the true extension of that is \$6.14; you will find it extended in that ledger at \$56.14, and that is not right for the raised quantity; the true extension is \$55.57.

That is all I have discovered in that bill except, possibly, some false extensions; \$50 has been added to that bill. The bill of January 20th, 1891, affords a good illustration; look at the item of January 5th, 26,000 pounds of coal charged to the State; it isn't in the books; you will look for it in vain. There is \$56.92 that is not in the books at all. On the 8th of the same month an item of 18,800 pounds, \$41.96; that is not in

any of the books. You will observe that if it had not been changed, a comparison of the bill with the books would immediately reveal the discrepancy. Now look down to the next item, the 9th, and you will see an alteration which I submit has been recently made, where an entry has been of 8,470 pounds and it has been raised to 46,410. That raise is exactly the same number of pounds which in the other two bills are wanting. The item was \$511.75, and it has been raised to \$611.75.

Senator Voorhees—That change has been made here lately. Look at the ink; it is almost green.

Mr. Corbin—If you will look at it with a glass you will see it without any doubt about it.

Senator Voorhees—This was approved by John J. Toffey, State Treasurer.

Mr. Corbin—You will find that the alteration of which I speak of 46,000 pounds appears not only in the ledger but in the order book, page 222 of order book No. 9.

Senator Voorhees—And that I submit has been made within a week. Look at the ink.

Senator Daly—It looks so; very much so.

Mr. Corbin—Just \$100 added to that bill.

I next draw your attention to the bill of February 24th, 1891, \$504.93; the entry of February 2d, 15,920 pounds; that will not be found in any of the books; it is simply a false entry on the bill.

Senator Voorhees—Can they urge the excuse that the stubs may have been lost?

Mr. Corbin—No; I am going to demonstrate the falsity of that by this bill.

That, you will observe, is footed and carried on to February 9th, and you will find another entry of 18,970 pounds; that is not on the other books; that is a false entry. Now, if you go back to February 4th you will find a false entry of 2,850 pounds raised to 38,100 pounds. They couldn't tell on the 4th how much they were going to steal on the 9th. This bookkeeper doesn't attempt to explain these entries. It is very clear you couldn't make an entry of an overcharge on the 4th and explain all that is going to happen all the rest of the month.

The Chairman—Can anybody doubt that that has been made within a week or ten days, or three weeks at the most?

Mr. Corbin—If I was a juror I wouldn't be out long.
The Chairman—The ink has not had time to get black and set; it is green yet.

Mr. Corbin—These changes all seem to be of very recent date; they are scarcely set on the paper, some of them.

That bill is certainly raised \$78.82 and possibly more.

I call attention to some small facts, but which point out the falsification of these books. Take the last three or four items on the bill: February 13th, item of \$76.30; it is entered on the ledger \$76.33. There is another, \$43.70, entered \$43.72. The next one, \$32.22, entered \$32.23, and so they go all the way through. You will find them from two cents to twenty-five cents out of order, which indicates to my mind that the ledger was an after thought, and the bills could not have been made up from that ledger; the footings do not agree; the items don't agree; the extensions do not agree. The extensions on the correct bills are correct because they are all verified here at the State House.

Senator Daly—How much would the difference in these bills be; have you added it up?

Mr. Corbin—No, sir; some of them are so blind that it is impossible to do it; some of them have been tampered with so that you couldn't tell; there the first one is 33 per cent., and another is 31 per cent.

Senator Daly—Do they occur from 1889 right down?

Mr. Corbin—It occurs very nearly down to the time the new bookkeeper, D'Arcy, came, and he adopted another method.

The Chairman—I wish we had the mice.

Senator Daly—Between the period from 1889 to 1891, you will find this condition of affairs?

Mr. Corbin—This condition of affairs I am now commenting on continues throughout Mr. Fritz's time. When D'Arcy came, things changed; it is different. I will show you some of his methods, but they are very well concealed.

Senator Skirm—His methods are entirely different to accomplish the same result.

Mr. Corbin—I think the result was the same.

Senator Daly—Did you find any changes in D'Arcy's?

Mr. Corbin—Yes, sir; I will show them to you. I call attention, now, to the bill of April 6th, 1891.

This is for \$569.90; the first item on that bill is for 8 cords of wood, \$64. If you will search the books through you will find only a cord and a half of wood ever delivered. It is on the order book; you will find a cord and a half delivered, which would be \$12; that is all there is in the order book; the date is January 3d, 1891; it ought to have been in a previous bill. This bill is perhaps the best sample of the methods pursued by Fritz of any one we have got. You will see in the bill on the 10th of March there is a charge of 21,640 pounds. That is a false entry; there is no such thing in the books. Now the next item is the 12th; you will find an item on the bill of 8,200 pounds; that has been raised to 38,200; if you will look at the ledger and order book you will see that they have both been raised—page 30, of the order book. The next item, the 13th, on page 31, of the order book, 2,830 pounds, raised to 32,830.

The Chairman—A figure 3 put right slap bang in front of the 2,830.

Mr. Corbin—Now those two raises in the books were to cover up the missing item above and some missing items which I will show you below, later in the month. Refer to the 16th in the bill, and you will see an item of 21,810 pounds. That is a false charge; there is nothing of the sort in the books; refer to the 24th and you will see 17,960 pounds on the bill; that is a false entry; there is nothing in the books like it.

Senator Skirm—The young man stated that he made these bills up from the little books, and it might have been there.

Mr. Corbin—The thing is too obvious for any debate at all. A mere inspection of the books shows it beyond any possible cavil. This bill should have been, supposing these prices are right, \$432.71; it has been raised to \$569.90; that is a raise of about 32 per cent., as near as I can figure it. I think that is intended to be 33, possibly.

Bill of March 25th, 1891, \$134.30; this is a small one, but it has a bigger raise than any of them. The first entry in that is 2,840 pounds. That apparently is a duplicate entry paid for in the previous bill and entered here again. It will appear in order book 10, page 49. The next item on this bill April 8th, of 9,800 pounds coal, is false; there is nothing of the sort in the books.

The item of the 13th, 7,600 pounds, is false, not in the books. April 15th, 6,420 pounds, is also false entry on the bills; it isn't in the books. I will show you how they were disposed of below. Now there are three items that are false. In the last item of the bill but one, the item of 2,900 pounds charged to the State has been raised in the order book and in the ledger to 26,700 pounds; that is exactly the amount of the four charges above. That bill is \$81.13, and has been raised to \$134.30, or at the rate of 65 per cent. over what it originally was. That all seems to be recent; it is a different ink from what the other was. The footings of these are not correct; the extensions and footings are false in every instance.

The bill of December 1st, 1891, for \$826.25. This is the first of Mr. D'Arcy's regime, and you will observe the method changes at once. You will see that the coal is all billed to the State in tons—equal tons. On the 6th of October, for instance, three tons. If you will turn to page 116 of the order book, or to the ledger, page 61, you will find that the amount of coal delivered that day was 5,190 pounds, which was pretty short weight for three long tons. Now, look at the extension opposite these three tons and you will see \$15; look in the ledger and you will see \$12.97. The extensions are all false, the bills false. The next item is one ton at \$5; in the ledger it is 2,640 pounds; he delivered more than he charged that day; it is extended in the ledger \$6.60. The next day two tons, \$10; charged in the ledger \$6.53. Those extensions are all correct, the number of pounds delivered being 2,610; they are falsely transferred; the quantities are raised. The total bill to the State was 165½ tons; the amount actually delivered, as per ledger, was 145 tons and a fraction. The bill has been raised 19.35 tons, and in value \$96.75, or about 12 per cent., and the odd pennies probably would make it up about an even hundred dollars. I believe every item on that sheet is falsely copied from the ledger.

The Chairman—Didn't D'Arcy testify that he made up the State House bill from the stubs?

Mr. Corbin—Fritz testified to that. D'Arcy testified that he copied that from the ledger, and this is the first one that he copied.

The Chairman—And there isn't a single item correct in it?

Mr. Corbin—I believe every item on that sheet is falsely copied from the ledger wherever he entered it as the number of tons delivered.

Mr. D'Arcy testified that the ledger is in his handwriting, and he testified that the bill was in his handwriting, and it obviously is; he testified that he copied that bill from the ledger, and there isn't a single line of it that is truly copied, either in quantity or amount.

The Chairman—I hope Mr. D'Arcy will bear that in mind.

Senator Skirm—Possibly somebody else will before the end of May.

Mr. Corbin—The next bill is the bill of January 2, 1892. I call the attention of the Committee to a false entry of December 8th, 1891; sales book 10, page 164, 5,945 pounds, \$14.88, which is falsely entered. Ledger folio 61, December 8, 1891, 8,160 pounds, that you will see by referring to the order book should be 5,945 pounds. Now, I would like to have the members of this Committee who understand bookkeeping, take a look at that ledger. You will see there on the credit side in red ink \$74.51, "over charge," to the State; it is just balanced off and the State has never been given credit for the overcharge. There is the overcharge of \$74.51, and yet they go on for a period here of three years and never pay or credit it to the State. It is simply charged off by a forced entry. Isn't that pretty obvious, Senator Skirm?

Senator Skirm—I think it is.

Mr. Corbin—I won't stop to call your attention to these bills; it applies to every bill right straight through to the end of Mr. D'Arcy's work; the amounts in practically every instance in the sales book from this time on are obviously filled in afterwards in the order book, and in a different ink; they are not entered at the same time. I will call attention to a few instances, so that the Committee will see whether I am right. Look at order book 11, page 203, with a glass, and you will see the ink is altogether different; there is another; look at 212.

The Chairman—Can that not have happened as he suggested?

Mr. Corbin—Yes; it is made afterwards. This practice with the State's account is entirely unique in the books; there is nothing like it in any other accounts; the weights are missing. It strikes me as a very suspicious circumstance that the weights should be left blank for somebody else to fill in at some after time. Look at page 212 and page 214; there is another instance of it, and page 217, there you will see.

I direct the attention of the Committee to an examination of these weight slips which we did find. The testimony of two witnesses the other day showed clearly that the loads sent here by Major Hurley's teams averaged anywhere from 2,500 to 2,800 pounds, probably about 2,700 pounds. These charges in D'Arcy's time average for a large number of loads 3,164 pounds. We have found in the cellar a few slips for the month of July, 1893, but there was very little coal being delivered then, and they run like those here, the loads averaging, I think, 2,590 pounds up to 2,900, or something like that, and possibly one or two as high as 3,000; the testimony of the witnesses the other day who were asked about that, the engineer and also I think the book-keeper said that the loads ran 2,800, but if these entries are correct, all the loads must have averaged 3,164 pounds—page 220. Page 227 will show you an item that has been altered; 228 is another change, from 8,515 to 23,215; that may be significant or may not; 230 is another. I submit that on page 66 in the ledger and 225 in the order book there is a palpable increase of quantity of 11,000 pounds.

In the bill to the State it is 28,765 pounds, and on the books 11,000 pounds less. The first item of that bill is charged at 17,305, and charged to the State in the bill at 28,765. Refer to the 21st day of that month and you will find in the order book and ledger the item 17,470 pounds; you will find they agree. They are raised on the bill to 20,380. It is simply raised; the bill is false. Look at that large item at the bottom, 24; an item on the ledger, 99,830 pounds, billed to the State at 102,710. Page 260, order book; page 85, ledger. These three alterations make a difference in the bill of \$990.03, as against \$1,031.20 paid by the State.

From this time on to the end of Mr. Hurley's deliveries, in 1894, these bills all show the same circum-

stance in the order book; they have all been filled in afterwards; how long afterwards, of course, I don't know; I haven't been able to trace it any further than this.

The Chairman—May I ask if there is any significance in the fact that the ledger that follows No. 4 is No. 6?

Mr. Corbin—Well, I have asked Mr. D'Arcy about that, and he says that the one between No. 5 is a small personal ledger for some individual account; it has not been produced. The absence of the cash books of course is a very embarrassing circumstance, and the weight books as well. I have noted a number of facts, to which I will draw attention; first, a number of footings are false. Refer to ledger No. 4. All the footings in that ledger, I believe, are erased and written over. I think that is true with the balances carried forward as well, in every instance. I mean in the State account. Now, to show you how the books could not be made to agree, look at page 64, the footing, \$794.77; that column foots up \$794.43. It is a small amount, but a bookkeeper understands that the error is just as important as it is to have it dollars out.

Folio 65, debit side, footed \$1,729.88; that foots \$1,729.35. Folio 159 is footed \$1,248.75; it should foot \$1,249.89. On page 400 you will see a balance is forced on the book—an entry of an overcharge, \$2.89, made simply to force the balance; the ledger wouldn't balance without it. I observe that these overcharges are not credited to the State on subsequent bills. Page 592, on the debit side of the ledger the footing is \$1,952.52; it should be \$1,951.52; marked, \$1.83 overcharge to balance. Folio 120, the debit side is footed up \$3,542.45, \$4 out; it should be \$3,538.35. Page 122, marked overcharge \$51.17, to force a balance. August 15th, credit \$13, cash book shows \$25.50.

My theory about that ledger is that those credits to the State were originally put in as they were in Heath's books, false amounts to balance the entries which are on the debit side. When these forced false entries were recently put in there, they were put in to raise the debit side up to balance the checks which were actually received from the State, as every amount can be read in the State reports in the printed book. You will see, now, the checks from the State have been raised in

every instance to the proper amounts, all being written over erasures; that is the way these books were changed, and here is an instance where they forgot to do it, this that I have just called your attention to; they had credited \$13 to the State, which was part of what they got; the actual entry ought to be \$25.50, and they have forgotten to change that one and make it conform. It is needless to take up more time, but I could show you by going over that ledger account, page 55, and pages succeeding, that the extensions are false, that the computations are false, that the quantities are false, even as attempted to be forced and corrected now; the thing is a tissue of shams and there is no reliance to be placed upon it. It is altered, falsified, forced and is incorrect even on its face.

WILLIAM D'ARCY, recalled.

Examined by MR. CORBIN.

Q. You have heard the matters to which I have called the Committee's attention? A. Yes, sir.

Q. In view of them do you want to make any statement to the Committee? A. Yes, sir, I do; the first bill that I had charge of there—

Q. (By the Chairman)—That is where you entered even tons instead of pounds as appears in the ledger? A. Yes, sir. Now then that coal was delivered in bulk; we figured up the number of actual pounds delivered, and I had it charged in that way in bulk.

Q. Charged where? A. Charged on the ledger in bulk.

Q. Refer to the ledger and show us where? A. Page 612, on the ledger. I charged that in bulk as it was delivered, and Mr. Hurley afterwards thought it would look better if the bill was made out by tons, so I made out the bill as near accurate as I could and you will find that amount charged, that is, the price will compare with it.

Q. These figures here in the debit column, price will compare with what? A. With that.

Q. (By the Chairman)—The sum total of the charges by pounds? A. I know, it was delivered in bulk, understand; Mr. Hurley afterwards thought it would look better if it was divided into tons; the number of pounds will bear out this bill, the number of pounds charged.

Q. It is $33\frac{1}{3}$ per cent. false? A. How so?

Q. Figure up the pounds and see if you can make them come out. You have charged the State 111 tons 830 pounds in that bill, including an item of 27,972 pounds in your ledger which is not in your order book, and your ledger, even as falsified, amounts to only 229,962 pounds; the bill would be 249,000 pounds, and your ledger, even with the false entry which is not in the order book, is only 229,000 pounds. Assuming that is the proper entry, there is still 20,000 false? (No answer).

Q. (By Senator Skirm)—I understand this gentleman says that that bill Major Hurley determined to have charged in tons? *A.* Yes, sir.

Q. (By Senator Skirm)—Then why is that bill of all the others in tons instead of the weight; is that bill yours? *A.* No, sir.

Q. (By Senator Skirm)—January, 1892, were you there at that time? *A.* Yes, sir.

Q. (By Senator Skirm)—How is it that that bill is all in tons and not in weight, if Major Hurley directed you the other way? *A.* That was only for that one bill, I suppose he wanted to see the number of tons; that was only the one bill that was charged in tons.

Q. Well, in making that up you went to your ledger, didn't you? *A.* This bill?

Q. In making that bill up in tons? *A.* Yes, sir.

Q. Why doesn't it agree with the ledger? *A.* Simply as I explained it; I charged it in bulk as we delivered it and afterwards divided it into tons.

Q. You can divide correctly into tons, can't you? *A.* Yes, sir.

Q. But you are 20 tons out on that?

Q. (By Senator Skirm)—Take the next bill, October, 1891. Now on the first entry here, October 1, 3 tons of coal? *A.* Yes, sir.

Q. What is it there (indicating on ledger). *A.* 5,190.

Q. And the next date? *A.* 2,640 pounds.

Q. How do you explain the difference between 5,190 and three tons? *A.* The difference in the gross number of tons delivered for those two months would figure as near as we could come to it.

Q. (By Senator Skirm)—You said in your previous testimony that you made your bills as a copy of the ledger; now, there isn't one item there, as the examination shows, that agrees with your ledger? *A.* No, because they are not charged in tons; they are charged in bulk.

Q. October 6, you charged on your ledger 5,190 pounds? *A.* Yes, sir.

Q. But your bill to the State was for three tons? A. Yes, sir.

Q. October 7, you charged on your ledger 2,640 pounds? A. Yes, sir.

Q. Bill to the State one ton? A. (No answer).

Q. October 9, charged 2,610 pounds, and bill to the State two tons. A. Two tons more.

Q. Against that 2,620 pounds you billed two tons to the State? A. Yes, sir.

Q. If you go through that whole page you will observe it is all the same thing—no one of the items agreeing with the others, and the total not agreeing; how do you explain it? A. (No answer.)

Q. You say Mr. Hurley told you to fix this up in tons? A. In ton lots; yes, sir.

Q. Did he call off the number of tons you put down? A. No, sir.

Q. Where did you get those tons from? A. That is as near as I could come to it from the ledger.

Q. In other words, when you came to 2,640 pounds you charged that up as one ton? A. Yes, sir.

Q. And when you came to 2,620 pounds, which was 20 pounds less, you charged that up as two tons; is that as near as you can come to it? A. How is the total number of tons?

Q. You are 20 tons too much on the bill. A. Count in the Dixon bill, too.

Q. There is your bill; take the footings on the ledger and total it all up, and you are 20 tons and over too much; who gave you those figures to put down on that bill? A. Nobody.

Q. Don't you see that you have it too high? A. No, I didn't.

Q. The bill was \$826.25? A. Yes, sir.

Q. That is now entered on your ledger over an erasure? A. No, sir, there has been no erasure.

Q. There has not? A. Oh, no, on December 4th; no, there hasn't.

Q. Well, of course, that is a matter of opinion. Perhaps we will have to take the Committee's opinion on that. Now, can't you give us any explanation of why you raised that bill 20 tons? A. No, sir.

Q. Why didn't you total up the number of pounds and divide that by 2,240 and see how many it made? A. That was what I thought I had done.

Q. You see you haven't done it. Now let me show you another one. Here is a bill of February 27th, 1893. Now look at this paper; that is your writing, isn't it? A. Yes, sir.

Q. Do you see that item of February 21st on your bill; it is 20,380 pounds, isn't it? A. Yes, sir.

Q. And on your ledger it is 17,470 pounds. Why did you make that raise; why did you raise that 3,000 pounds? A. It may be that I discovered an error.

Q. Where is that error; your ledger is all plain and clean, isn't it? A. Yes, sir.

Q. And yet you have transferred that item and added 3,010 pounds to it; why did you do it? A. Doesn't the total number of pounds—

Q. No, no, but that one item; take that; you have sworn here that you made up these bills from the ledger and that you correctly kept that ledger. Why did you raise that 3,110 pounds? A. What is charged on the order book?

Q. The same thing exactly. Can't you answer that; who told you to raise it? A. Nobody told me to raise it.

Q. Did you do it of your own accord? A. Yes, sir.

Q. Why did you do it? A. I can't explain it now.

Q. Well, now, that is not the only instance; I will show you others that you have done it with. Why did you raise these bills? A. We sometimes closed an account on the day; that is when we thought the orders had got so far advanced that we couldn't send any more down in the afternoon; we would close the account and maybe open it again in the afternoon to send another load down if they telephoned for it.

Q. Well, this bill wasn't sent until February 27th, and that was a week before, and your ledger is all clean and clear and your order book is the same, but on the 27th, a week afterwards, you add 3,010 pounds to that item; who told you to do that? A. Nobody.

Q. Did you get the benefit of that yourself? A. No, sir.

Q. Who did get the benefit of it? A. That coal must have been delivered; otherwise it would not have been charged.

Q. (By Senator Skirm)—How is it that you, when you made out your bill, didn't make this according to your ledger? A. I used to verify it from the receipts of the drivers who delivered the coal.

Q. On that same bill, look at the last item but one which is down to the State at \$102,710 pounds; look at your ledger, same date, February 24—what is it there? A. 99,830.

Q. Why is that raised about 3,000 pounds there; both your writing? A. Yes, sir.

Q. And perfectly clean; no erasures in there, are there? A. No erasures.

Q. Why did you falsely transfer that to the bill at 3,000 pounds advance; I think you had better tell us? *A.* I haven't any explanation to give; I have explained that it may have been an error.

Q. An error in what? *A.* It may have been an error in my account that I corrected from the receipts which we had from the drivers who brought the receipts back.

Q. Well, when the check came back from the State, you would discover the error, wouldn't you, if it was an error? *A.* (No answer.)

Q. Well, take another item on the same bill. The first item on the bill is 28,765 pounds. Now refer to your ledger. What is the item there? *A.* 17,305 pounds.

Q. Why did you raise that item over 11,000 pounds? *A.* Did I have two charges of that on that day?

Q. No, you have just simply advanced it eleven thousand and odd pounds. Who told you to do these things D'Arcy? *A.* Nobody told me.

Q. Then why did you do them. The order book is all clean. *A.* Yes, sir.

Q. If you had discovered there was a cart load or two left out the next morning you would put it on the order book, wouldn't you? *A.* Yes, sir.

Q. It isn't on the order book. Now Mr. D'Arcy, hadn't you better give us another explanation of that? *A.* No, sir; I haven't any other explanation.

Q. You want to leave it rest right there, do you? *A.* For the present, yes, sir; I would rather go over those figures.

Q. Would you like to go over and come here again next week. *A.* I would rather finish it up to-day.

Q. You see the position this leaves you in before this Committee, don't you? *A.* I charged it the best I could.

Q. You see these false transfers in these bills to the State—*A.* There is not, sir.

Q. There are three instances of it, amounting to 16,000 or 17,000 pounds, in one single bill, the first item, the last item and one about the middle of the bill, all raised; now, do you want to make an explanation of why you did it and how it came about, here to the Committee now? *A.* I have no explanation to make; it is a clerical error, that is all.

A. All these raisings of bills you claim are clerical errors? *A.* It is all my fault in not charging it.

Q. Did you never discover these until now? *A.* No, sir.

Q. Think it over, and if you have anything more to say about it come next week.

JOHN A. FRITZ, re-called.

Examined by MR. CORBIN.

Q. Mr. Fritz, I draw your attention to this first bill, which I showed you this morning, for 111 tons 830 pounds broken coal, \$568.25. Now, please look at the ledger No. 4, page 55, and the sales book No. 9, pages 17 to 20, as to the first item. I draw your attention to the fact that there is an erasure both in the ledger and in the sales book. When did you make those erasures? A. I must have made them when I was there.

Q. Do you remember anything about it? A. No; I don't remember it now.

Q. I draw your attention to the fact that you have extended the quantity of coal falsely 25,345 pounds—you have extended it \$61.19, whereas it figures up \$57.68; why did you do that? A. I didn't do it intentionally; it must have been an error.

Q. Look at the next item, 26,690 pounds; that is over an erasure both in the sales book and the ledger. When did you make those erasures? A. I made them when I was there.

Q. You have extended that falsely in the ledger at \$64.43, whereas the true extension is \$60.79; why did you do so? A. It must have been an error in carrying it out.

Q. Look at the next item of the 11th; you will find in the order book 52,740 pounds and then in the ledger 68,635 pounds; why did you carry that falsely to the ledger? A. I made an error in transferring it.

Q. An error of 16,000 pounds? A. It must have been that.

Q. Look at the extension of that item; you have extended it at \$165.70, whereas the true extension is \$120.36, why did you do that? A. It must have been error; it is the only way I can explain it.

Q. See the next item, the 13th; the weight is 12,970 pounds and extended at \$31.31; the true extension is \$29.58. How is it that all these are errors in extension; what do you say as to that? A. It must have been an error in making the amount up.

Q. Look at the next item, on the 14th, 44,640 pounds; that is extended \$113.83; the true amount is \$101.64; is that also an error? A. Yes, sir.

The Chairman—Is there a single error in favor of the State?

Mr. Corbin—I think not.

Q. The next item, the 16th, 23,710 pounds; you have extended it \$60.46; the true extension is \$54.06; is that also an error?

A. Yes, sir.

Q. The next item, on the 17th; do you see in the ledger 27,972 pounds; is that right? A. Yes, sir.

Q. Is that your handwriting? A. Yes, sir.

Q. Now, I call your attention to the fact that there is no such entry in the order book; how do you account for that? A. I must have transferred that directly from those receipt stubs.

Q. But you have entered opposite to it "Page 19 of the order book," haven't you? A. Yes, sir.

Q. Go to the order book and see if you find it? A. It don't appear there.

Q. That doesn't appear anywhere in that book; why did you do that? A. Well, I must have made a mistake in putting that page in there, and taking it from there and put it on the same page.

Q. Do you mean to say that you took and added there deliberately 27,972 pounds and then referred to the page in the order book, and that the whole thing is a mistake? A. Yes, sir.

Q. And that every item in this bill is a mere mistake? A. That is all I can—I know nothing of it.

Q. You will observe the true extension of the items is \$114.14 less than the amount you have charged to the State, and that that would be just 33 $\frac{1}{3}$ per cent.; is that a mistake? A. Yes, that is a mistake.

Q. I guess not; I guess that is what you meant to do that time, wasn't it? A. No, sir; I did not.

Q. (By the Chairman)—Where you drunk when you did it? A. No, sir; I was not.

Q. Don't you see that you are no longer an expert accountant if what you say is true, that you made an error in extending every item in that bill? (No answer.)

Q. Are you willing to leave it in that position that you have made blunders in every item in that bill in extending, and added one item of \$71.73 that is utterly false; are you willing to leave it right there? A. I can't do anything else with it.

Q. Who directed you to do that? A. Nobody.

Q. You don't want us to believe that you made an error in extending every item in that bill, do you? A. I don't see what else you can believe.

The Chairman—We do believe a good deal different.

Q. Who profited by this alteration? A. I was not aware that there was any profit made by it.

Q. You will see by a very simple calculation that \$114.14 was made by it, which was 33 $\frac{1}{3}$ per cent. of that bill; didn't somebody direct you to do it? A. No, sir.

Q. Did you pocket the money that came from it yourself? A. No, sir.

Q. When the check came from the State, what did you enter up on the other side? A. The amount of the check.

Q. Why is the amount of the check entered there over an erasure, then? A. It must have been an error in the business.

Q. You will find on that ledger that all checks from the State are entered over erasures; do you mean to say that you entered them all wrong first, and then entered them over again? A. I suppose I did.

Q. Didn't you do it last Sunday? A. No, sir.

Q. Or about that time? A. No, sir.

Q. But you are willing to say here that every check that came from the State was first entered wrong, and you first discovered it when you got the money, and then erased it and entered it again? A. I don't think there was.

Q. You did; they are all over an erasure? A. I don't think all of them are.

Q. It is possible there is an exception; how happens it that all your footings of the State accounts are written over erasures? A. May have made an error in footing them up in the first place and changed them.

Q. Your theories are interesting, if true; I will take one more, Mr. Fritz, in fairness to you, and give you another chance to explain; please look at the ledger, page 56, the order book will be No. 9: I show you bill of January 20th, 1891—that is your handwriting, you said? A. Yes, sir.

Q. Look at the item of January 5th; what number of pounds do you find there? A. January 5th, there is no such date here; it is January 6th.

Q. You don't find any such item in your ledger, do you? A. Not on that date; there is one on the 6th.

Q. That is not the one; see if you find any item there of 26,000 pounds? A. No, sir.

Q. Look in the order book, January 5th, and see if you find it there. You will not; it isn't there. Now, in your bill to the State you have entered 26,000 pounds of coal; how do you explain it? A. Well, I must have taken that from the—of course I took all those items from the receipt stubs, and omitted it in transferring it from the stubs into the order book.

Q. But your receipt stubs were all finished and transferred to your sales book? A. I suppose they were.

Q. And checked off? A. No, sir; never checked off.

Q. But those that are produced here appear to be checked off on the stub? A. I never did it.

Q. Look at the item of the 8th of January, two days later; you will find no such item in the ledger, nor yet in the salesbook; but there it is, 18,800 pounds of coal charged to the State in the bill; why did you do that? A. Same way as the other, I suppose.

Q. Have you any explanation to give us at all? A. Any more than I omitted it in transferring it in those receipts, bringing it out of the sales book.

Q. Omitted it from the sales book and ledger, and yet charged it to the State? A. Yes, sir.

Q. You attempted to balance your books: I will show you how you made your ledger come straight. Look at the item on the 9th of January; how much is it in your ledger? A. 46,710 pounds.

Q. Look at it in your bill to the State. 8,470; why didn't you charge the State all there was there? A. Those three items must be in this one.

Q. (By the Chairman)—Young man, do you know the position that you have before this Committee and before this community of the State. Have you no self-respect at all; do you know that everything that you said here to day is taken down stenographically? A. Yes, sir.

Q. (By the Chairman)—And do you know that it may be used against you? A. Well, I can't do any more than tell you the truth.

Q. (By the Chairman)—That is what you are not telling us. A. I beg your pardon, I am.

The Chairman—That testimony will go before the Grand Jury.

Q. Is it not the fact that these two false entries of 26,000 pounds and 18,800 pounds are off-set by this false entry in the ledger raising that item of the 9th, from 8,470 to 46,710? A. That item was never raised that I know of.

Q. You see it is written over an erasure? A. It is written over an erasure.

Q. Do you not see that it appears to have been written at a different time? A. I can't see that it does.

Q. Didn't you, in fact, write that quite recently, to make this balance? A. No, sir.

Q. When did you write it? *A.* I wrote it when I was there.

Q. Do you think it is possible such a mistake as the difference between 8,000 pounds and 46,000 pounds could happen and escape your attention when a check came in from the State; do you think that is possible? *A.* I don't see how it occurred.

Q. I call your attention to one thing more—this bill has been increased exactly \$100; may be that will refresh your memory? Did you get instructions from somebody to raise that bill \$100? *A.* No, sir.

Q. Did you do it of your own accord? *A.* I didn't raise it just \$100.

Q. Refer to the bill of April 6, 1891, this little bill; the first one is eight cords of wood at \$8 a cord, \$64. Don't you know that, as a matter of fact, it is only charged on your books at a cord and a half of wood? Ledger 4, page 56—and didn't you deliberately raise that entry from one and a half cords to eight cords of wood? *A.* No, sir.

Q. Where did you get that eight cords from then? *A.* From the stub of the receipt book.

Q. Do you have stubs for the delivery of wood as well as coal? *A.* Yes, sir.

Q. Well, look at the item of the 10th on that bill before you—21,640 pounds of coal—where did you get that from? *A.* From the check book.

Q. Look at the ledger and see if you find anything like it in the ledger. Look at the item of the 16th of the same month—21,810; do you find that in the ledger? *A.* No, sir.

Q. Look at the item of the 24th—17,900; is that in the ledger? *A.* Not in that amount, it isn't.

Q. Is there anything there on the 24th? *A.* No, sir.

Q. Nor is it in the order book. Well, now look at that bill again, on the 12th of the month: what do you find in the bill? *A.* 8,200 pounds.

Q. Now look at your ledger; what do you find it there? *A.* It doesn't appear.

Q. 38,200, don't you? *A.* No, sir.

Q. Let us see about that. You have got the wrong date—oh, March 12th is the date; look at March 12th—your bill to the State—38,200; what do you find in the ledger? *A.* 38,200.

Q. Don't you see for yourself that that entry has been obviously tampered with? *A.* I don't think so.

The Chairman—What is the use of talking that way before intelligent men; have you no respect for yourself and your family?

Q. Look at the next one, the 13th of March, right below: what is it in the bill in your hand? *A.* 2,830.

Q. Now look in the ledger; what do you see there; 32,830, isn't it? *A.* Yes, sir.

Q. That has been tampered with, too, hasn't it? *A.* I don't know as it has.

Q. Now, Mr. Fritz, there are three serious false entries in that bill, two of them raises of 30,000 pounds each of coal; there is another of $6\frac{1}{2}$ cords of wood falsely added; the other three entries that are on that bill are absolutely not in the books at all. Do you mean to tell me that it was an accident that all that happened? *A.* In taking those different items for the State's bills I took them directly from the stub of the check book, and in putting them in the ledger I may have gotten—which I am pretty sure—gotten two or three days together, or possibly four days, and put them in in one lump.

Q. So that the total would be the same? *A.* Yes, sir.

Q. How do you account for it that all that was done on the 12th and 13th, and these two big items of 30,000 pounds didn't occur until days and days after; that is, the two raised items of the 12th and 13th, and the items not seen in the books are the 16th and 24th? *A.* The items of the 16th and 24th, I say, are not in here.

Q. You say you think they are lumped in those large items? *A.* No, sir.

Q. How then? *A.* I think those different amounts, the amounts here and there—the amounts in that bill and these amounts here are lumped with these items here.

Q. How could you lump them two weeks before you delivered the coal? *A.* It wasn't two weeks.

Q. It is the difference between the 12th and 24th? *A.* They don't occur in the books.

Q. It occurred on your bill to the State; there you will see it; here is a sheet that will show it perfectly plain. On the first item of the bill $6\frac{1}{2}$ cords of wood is added; the next item is the 10th; there is an item of 21,640 pounds which is not in the books at all. The next two items that are changed here appear to be the 12th and 13th, where the 30,000 pounds are added to each, or 60,000 pounds in all. Now go on down, and you will see that on the 16th there is an item, not in the books at all, of 21,810 pounds; go still further down to the 24th, an item of 17,960; you will see that the 60,000 pounds of coal added just about corresponds with those three false entries, and the $6\frac{1}{2}$ cords of wood, in amount. Now have you any other explanation to give for

this? A. That is the only explanation I can give you, that they were put in in different amounts—a lump sum.

Q. That doesn't explain it, because you put in a lump sum on the 12th and 13th, whereas those large amounts do not appear until the 24th? A. That must have been omitted in transferring them from the stubs to these books, and then—

Q. They are not in the books? A. I say they must have been omitted.

Q. How did you get them on the bill? A. I took the amounts from the checks—the stub checks—the receipt checks.

Q. That doesn't explain it, Mr. Fritz. Now, I draw your attention to the fact that the result of these changes raised this bill from \$432 to \$569, or about 32 per cent. Were you figuring at any particular per cent. in making these changes? A. I don't know of any changes.

Q. On the bill of January, 1891, I call your attention to the fact that the changes made there, of a similar sort, amounted to just \$100—I think we did have that bill. Was it by design that those errors amounted to just \$100? A. No, sir.

Q. That is an accident, is it? A. Yes, sir.

Q. And the other one I have called your attention to, where it is 33 $\frac{1}{3}$ per cent.; it is an accident that those errors amounted to just that sum? A. I don't know how else it could be.

Q. Although there are four or five errors in that bill, and all of them together amounted to 33 per cent., you still say it is a mere accident? A. Yes, sir; that is all it is.

Q. And the adding of the hundred dollars to the bill was a mere accident? A. There wasn't any hundred dollars added to the bill.

Q. Or a hundred dollars' worth of coal? A. Nor any hundred dollars' worth of coal.

The Chairman—You may go and think this over.

Q. (By Senator Skirm)—These changes where the 30,000 pounds had been added; these figures were made when you were there? A. Yes, sir.

Q. (By the Chairman)—When you worked there? A. When I worked there; yes, sir.

Q. (By Senator Skirm)—And there were no changes made in these books the last time you were at the office with Mr. D'Arcy and examined them? A. No, sir.

Q. (By Senator Skirm)—These erasures were not made at that time? A. No, sir.

DANIEL HAGGERTY, sworn.

Examined by MR. CORBIN.

Q. Where do you live? A. In the City of Trenton.

Q. What is your present occupation? A. I am employed by the State at the present time.

Q. In what capacity? A. Deputy in the State Prison?

Q. How long have you been there? A. Since January, 1890, I think.

Q. Do you know Michael Hurley? A. Yes, sir.

Q. Do you know Bernard J. Ford? A. Yes, sir.

Q. You have known them for some years, have you not? A. Yes, sir.

Q. Quite intimate with them? A. Yes, sir.

Q. Frequently at the State House? A. Yes, sir.

Q. At Mr. Ford's office? A. When I came here when he was employed here I always stopped to see him.

Q. Did you meet Major Hurley at the State House? A. Sometimes I did.

Q. I show you a note signed Daniel Haggerty, payable three days after date to the order of M. Hurley; is that your signature? A. Yes, sir.

Q. What did you give that note for? A. Well, at that time I was about to have a mortgage refunded, I think; I owed some money on the mortgage and I had some; the mortgage was about to come due, and Mr. Hurley endorsed the note for me.

Q. You didn't meet this note at maturity; I see it is marked charged to Major Hurley's account and his books show it; you didn't pay it, did you? A. No, sir.

Q. Have you ever paid it? A. Can I explain?

Q. You haven't paid it yet? A. No, sir, I haven't, no.

Q. I show you a check dated May 10th, 1890, by M. Hurley to Daniel Haggerty; is that your endorsement? A. Yes, sir.

Q. Was that paid to you? A. Yes, sir.

Q. What form? A. Money that I loaned him.

Q. What shape was your money that you loaned him? A. A note.

Q. Did you lend him your name? A. No, sir; I drew the money out of the bank; I had a little money at the time.

Q. You lent him cash then on the note? A. Yes, sir; cash.

Q. He had it how long, that money of yours? A. Well, I think probably three or four months; might have been longer.

Q. That paid the loan up to date? A. Yes, sir. Now about that—

Q. Three or four months ; that carries it right back to the first note? A. About me signing that first note, I just want an opportunity to explain it.

Q. You shall certainly have it. I show you a check by M. Hurley to your order, dated April 13th, 1891, for \$50; is that your endorsement? A. That is my endorsement.

Q. What did he give you that money for? A. Money that I loaned him.

Q. How long had he had your money? A. I don't know; he might have had it a month, probably, or six weeks.

Q. Have you got any checks to show these loans? A. I don't think I have.

Q. I show you a check to your order signed M. Hurley, September 21st, 1891, \$200; is that your endorsement? A. Yes, sir.

Q. What is that for? A. Money that I loaned to Hurley.

Q. Have you got any checks to show it? A. No, sir.

Q. I show you a note of three months by you to the order of Michael Hurley, dated November 17th, 1891, for \$500; have you ever paid that note? A. No, sir; I never have paid that note; I will explain that.

Q. Yes, glad to give you an opportunity. You had the money on it? A. No, sir; I never got the money on it.

Q. Did not? A. No, sir; it was a business transaction; an accommodation.

Q. Well, I show you the same date where the result of the discount of that note, \$492.19, was checked to your order; is that your endorsement on the back? A. Yes, sir.

Q. Then you did get the proceeds? A. I may have got that; probably that was some money that I loaned him.

Q. You got it. Have you ever repaid it? A. I say that may have been money that I loaned Mr. Hurley.

Q. You gave your note for it? I guess he loaned it to you, didn't he? A. He might have done it.

Q. You haven't paid it back yet? A. No, sir. Anything that I owed him I always paid him.

Q. I show you a note dated June 5th, 1893, for \$300, given by you to M. Hurley; is that your signature? A. Yes, sir, that is my signature.

Q. That seems to have been charged to his account at maturity; have you ever paid that note? A. No, sir, because it was his note.

Q. I show you a note dated September 8th, 1893, given by Daniel Haggerty to M. Hurley for \$250, that seems to have been

charged to Mr. Hurley: have you ever paid that note. A. No, sir.

Q. I show you a note dated December 16th, 1893, made by you to the order of M. Hurley and charged to him, \$100; have you paid that? A. No, sir.

Q. I show you a note dated March 19th, 1894, made by you to M. Hurley for \$100; have you paid that? A. No, sir.

Q. That is charged to Mr. Hurley? A. That is right.

Q. And also one of June 22d, 1894, \$100, signed by you, endorsed by Mr. Hurley; is that your signature? A. Yes, sir.

Q. Have you paid it? A. No, sir.

Q. Well, now, we will refer to the first note, this \$1,600 note, January 16th, 1890; what was that for? A. That is an accommodation for Mr. Hurley in his business; he wanted the money at the time, and he asked me to sign my name to it as a business accommodation.

Q. Why didn't you put your name on the back? A. Because he wanted to put his own name on the back so that he would have a better standing in the bank.

Q. There is another of \$500? A. They are all the same way.

Q. That one of \$500 you got the proceeds of? A. That is money that I have loaned Mr. Hurley.

Q. (By the Chairman)—Didn't you say that that first note the proceeds were used toward refunding a mortgage that you had? A. I don't understand just what it was; I knew there was some checks of mine there, and I knew that—if you will allow me, I want to tell the truth and explain it. Now, those notes that I have signed here—this note that I signed for Mr. Hurley—I am a friend of his, and I signed the note simply instead of endorsing it, because my credit would be no good at the bank, consequently my endorsement would not amount to much; I wasn't acquainted at his bank.

Q. (By the Chairman)—What about refunding the mortgage? A. I borrowed some money of Mr. Hurley, I think some time in 1891 or 1892.

Q. (By the Chairman)—That hadn't anything to do with the note? A. It had something to do with some of those notes, but I don't know just which one. I never charged my mind with it; I was receiving no benefit from it, only just accommodation for a friend, the same as we would exchange checks if I was in business.

Q. But here, Major Hurley holds your note yet; you have never paid it; did you never receive it back? A. No, sir; it is paid.

Q. Apparently you are first liable on that note? *A.* I am not afraid about that; that note is paid.

Q. Do you still say this was in connection with refunding a mortgage on your property? *A.* No, I don't think that was; I think that check there—I don't think that was as I said about this.

Q. Did you get the proceeds of that? *A.* No, sir, not to my knowledge.

Q. Well, now, take another one? *A.* There is one that I did get—

Q. Not to your knowledge; you have given us two theories already about it? *A.* That is all right; I am not accustomed to law and lawyers, but if you will allow me to explain the matter I will explain it in my own way and in an honest way.

Q. Go on? *A.* There is one of those notes that I did get the proceeds from where Mr. Hurley lent me some money.

Q. Won't you confine yourself to that one? *A.* This note, I don't think it was January 16th, 1890; no, sir, I think it was around 1892 when I paid off the mortgage.

Q. Now, about that particular note? *A.* About this particular note, as I say, I met Mr. Hurley and he said he had to pay a bill, and he wanted to know if I wouldn't sign a note for him, and instead of my endorsing it, my name would be no good in the bank as an endorser, and the note was made to him.

Q. Where did you meet him? *A.* I can't tell where I met him, four or five years ago, probably, on the street.

Q. Who drew up the note? *A.* It was drew up in his office, I suppose.

Q. You pretend to tell us that that you remember the time and all this talk; do you remember where or when? *A.* I met him somewhere on the street, probably.

Q. Well, now look at another note; there is a note for \$500; what was the occasion of giving that? *A.* When was this, November 17th, 1891? Well, that was in the same way; you can go to the Trenton Banking Company and find out.

Q. You simply gave him that note for his accommodation? *A.* For his accommodation.

Q. He took the proceeds, and you didn't? *A.* Well, as I said, it was one of them; I can't tell you which one it is; there is one of them, as I say, I got the proceeds of it, or he had it discounted for me.

Q. I guess this is the one; there is a check to your order for \$492? *A.* I guess that is the one.

Q. This note is marked "M. Hurley," and is charged on his account in the bank? *A.* That is right; I paid Mr. Hurley.

Q. When did you pay Mr. Hurley? *A.* I suppose I paid him a short time afterwards; I don't know when.

Q. Have you any evidence of it? *A.* I don't know that I have any evidence of it.

Q. Did you pay it by check? *A.* No, sir; I have no bank account.

Q. Can you tell why this first note of \$600, for Mr. Hurley's accommodation, was made at three days' sight? *A.* Simply because he did not want to pay so much discount, I suppose; I don't know any other way.

Q. You will see by looking at it that it was not used until three days after the 19th, and it was charged up the same day. *A.* I suppose he dropped that in the bank and had it put to his account; you know how those things are done.

Q. But it was charged to his account? *A.* Yes, sir.

Q. It was put in the bank on the 19th and credited and charged to his account the same day? *A.* Yes, sir.

Q. How does that accommodate a man—I don't see? *A.* It was his method—

Q. It was a method of getting \$600 out of his cash account, I can see that, by taking the note in on the day of its maturity and let the endorser pay it, and at the same time charge it and credit it to him. Can you tell how that accommodates him? *A.* It is the only way I know, instead of me endorsing the notes; my word wouldn't be any good in a bank, or my name, and he had me sign the note for him.

Q. That note is dated January 16th? *A.* Yes, sir.

Q. It runs three days? *A.* Yes, sir.

Q. On the 19th, which is three days later, that note is charged up to Major Hurley's bank account, and \$600 drawn out of his bank account; how does your name help it? *A.* Didn't he get the money on that note?

Q. I suppose he did. He got it out of his bank account and had it charged to his account in the bank; how does your name help it? *A.* I don't know what theory or how you are going to consider it; that is one of those notes that I signed.

Q. Do you mean to say that he asked you to sign a three days' note for the accommodation? *A.* He has; I not only say it, I swear it.

Q. (By Senator Voorhees)—Do you keep money in the bank? *A.* Sometimes.

Q. How do you get it out? A. In the savings bank; I don't do any regular banking business.

Q. You paid no further attention to that note after you put your name to it? A. No, sir; I knew Mr. Hurley would look after it.

Q. Did you go to the bank with him? A. No, sir.

Q. Wasn't that note, as a matter of fact, drawn right in the bank? A. Well, it may have been drawn in the bank; I can't say.

Q. Didn't you sign it right in the bank? A. I don't know if I signed it in the bank or not; I might have signed it there; now, it strikes me that I did sign one there, and I remember him introducing me to Mr. Snider, the cashier of the bank there.

Q. And didn't he take it up to the teller and get it cashed right then and there? A. Yes, he did, one of them; that is a fact; you have a better memory than I have.

Q. Now, you see that paper is signed, and the bank has got that piece of paper and the Major has got \$600 in cash in his pocket. Didn't he give you some of it at the time? A. No, sir.

Q. Didn't turn it over to you at all? A. No, sir.

Q. You observe that that amounts to nothing but a check to get that money out of the bank? A. Yes, sir.

A. Didn't turn over any of it to you at all? A. No, sir.

Q. You don't know what he did with it? A. Used it in his business I suppose; that is what he told me.

Q. Did you and the Major part right there or come back up to the State House together? Q. We parted there; I wasn't on my way to the State House.

Q. On your way away from the State House? A. It strikes me that was on Saturday morning.

Q. But the Major took the \$600 and you didn't take any of it? A. Yes, sir.

Q. The next one, this \$500, about twenty months later, that one you certainly did take some—there is the check, you got the proceeds of the discounts yourself, didn't you? A. A. I told you I did.

Q. You think you paid that back afterwards, do you? A. I think so; I don't think I owe the Major any money.

Q. Do you think you can show a check where you paid back that \$490? A. I don't know as I can; I don't think I paid it in check.

Q. How did you pay it? A. I think I paid it in notes.

Q. You mean your own notes? A. Bank notes; I can't say.

Q. Do you remember where you got the currency to pay the note of \$500? A. I suppose I have saved it from my earnings.

Q. Did you pay it at maturity? A. I think I did; I don't know.

Q. When it came due it was charged to Major Hurley? A. That might be.

A. The Major hasn't given you any credit for it? A. He has had my notes renewed sometimes, notes that I have endorsed.

Q. But you don't remember how or when you paid that back? A. No, sir.

Q. Did you pay it all at once, or several times? A. I might have paid—I think when I paid it I paid it all at once.

Q. Was it at or about maturity? A. Well, I am not positive about that; as I say, I didn't charge my mind about it; I didn't expect three or four years ago that I would have to come before the court or the committee and testify as to private transactions; if I had known that I was coming here I might have been prepared for it; I suppose I have the bank book around the house.

Q. You can prepare yourself yet. June 5th, 1893, a note by you to M. Hurley for \$300; that also at maturity was charged to Mr. Hurley; did you get the money on that? A. No, sir; I don't think I did.

Q. Do you recollect about the circumstances of that note? A. I don't recollect it particularly.

Q. Was that drawn up by Mr. Hurley's bookkeeper or not? A. I don't know who it was drawn by; Mr. Hurley asked me if I would sign it.

Q. Where did he present it to you for your signature? A. I couldn't say.

Q. Did you drop in his office sometimes? A. Sometimes; I have often dropped in there.

Q. Wasn't that one drawn in his place of business by his book-deeper and didn't you put your name on it there? A. It might have been and might not; I can't say.

Q. He paid it when it came due? A. I suppose he did; the bank never called on me to pay it.

Q. Are you sure he got the proceeds of that, whether you or he? A. I say there is one that I got the proceeds of; I don't know if it is that particular one of \$472; as I said, I didn't charge my mind about it or keep any record of it; I have often endorsed paper for Major Hurley and he has possibly endorsed for me and lent me money.

Q. Here is another one, September 8th, 1893, for \$250, made by M. Hurley for three months. What was that for? A. As I

explained, I suppose for Mr. Hurley's accommodation ; instead of me endorsing the notes, I was not acquainted at the bank, and I made the note and the Major signed it ; that is all there is about it.

Q. It was for his accommodation ? *A.* Yes, sir ; for his accommodation.

Q. And is that true of all these other notes that I have shown you ? *A.* All of them except one, to the best of my knowledge ; yes, sir.

Q. They were all for the Major's accommodation ? *A.* Yes, sir.

Q. Did he sign any for your accommodation ? *A.* I think he has.

Q. Did he ever return to you any of these notes which you signed for his accommodation ? *A.* No, sir ; I never asked him for them.

Q. Did you never receive the proceeds of any note except that one which I have proved by the check ? *A.* I can't remember now ; I may have.

Q. You may have received the proceeds of some of the others ? *A.* Probably you will find checks in there where the Major has paid me \$200 or \$300, money that I have loaned him ; you might find them there.

Q. But that was no loan ? *A.* No, that is right ; it was not a loan.

Examined by SENATOR SKIRM.

Q. I understand you to say, and if I am wrong you will correct me, that Major Hurley wanted to borrow \$600 ? *A.* Yes, sir.

Q. And that he took your note so that he could get it discounted ? *A.* So that he could have it discounted at the bank immediately, and he said he wanted to use it.

Q. And made the time three days, so that they would give him really six days instead of three ? *A.* He didn't explain it to me.

Q. It is dated January 16th, at three days—that would give him six days ; that is quite a frequent practice where a man wants to borrow money temporarily and don't want to pay interest for a long time, simply to make the time short, and this note was not cashed at the counter, evidently, because it has gone to Major Hurley's credit, because the stamp here says that the bookkeeper at the bank put the number of it on it, and the date, &c., which would be three days after that ? *A.* It strikes me it

was Saturday; I remember, when Mr. Corbin calls my attention to it, I remember him telling me that he wanted to use it.

Q. So that you don't know, of course you can't recollect? A. No, because I didn't charge my mind with it.

Q. That Major Hurley got that money; he certainly would undoubtedly take that note and put it in at the counter and it would be passed to his credit. I see the note is drawn by the note teller of the Trenton Banking Company? A. Yes, sir.

Q. So that Major Hurley simply picked you up and asked you to accommodate him for three days? A. Yes, sir.

Q. So that you gave no thought or attention to it, because he took care of the note when it came due and was charged to his account? A. Yes, sir.

Q. And your interest ceased in it there, only to accommodate him? A. Yes, sir; I ceased because I knew I was not to be bothered with it. So far as signing notes, I never signed a note here at the State House in my life.

Mr. Corbin—I don't think anybody has charged you with that.

Witness—You asked me if it wasn't at the State House I signed some of these.

Mr. Corbin—I asked you if you came to the State House with the Major.

Witness—No, not that day.

Adjourned to Thursday, March 28th, 1895.

TRENTON, March 28th, 1895, 10 A.M.

Mr. Corbin—The evidence in this inquiry is necessarily taken in a somewhat fragmentary form. It is not possible always to close up one particular branch of the subject at a single sitting, and, therefore, the significance of the different parts of the evidence is not always apparent at the time it is offered. As there is no summing up in this sort of proceeding at the end of it, I will make some comments from time to time from the evidence as we complete one branch of it, and it is my purpose to-day to refer to some matters concerning which the evidence has already been taken at different times, and perhaps offer some new evidence to show the result of the inquiry in these different directions, so that the record may be more clear for the use of the Committee when it is written up.

One subject which has been referred to is the sale of State property by the Superintendent of the State House. The official

papers on file in the library, and also the official information in the Comptroller's office, show that sales of State property were made by the Superintendent on the 30th of April, 1891; on June 16, 1891; and on certain dates in 1892, April 13, 1892, being one of them; and certain dates in 1893; and finally, a public sale was held of the court room furniture and other property on December 28, 1893. Also, some intimations have come out in the testimony, and there is indication of private sales of public property. I have been unable to find any record whatever, either in the Superintendent's office, or Governor's office, or the Comptroller's office, or the Treasurer's office, of the details of any of these sales. The testimony before the Committee shows that all the files of the Governor's office at the end of Governor Abbett's term, and all the files of the Superintendent's office, were removed, and no report of the sales seems ever to have been made to the Treasurer or Comptroller, and there is nothing in the State House that I am able to find which would show the result of these sales.

Senator Skirm—No cash entered?

Mr. Corbin—Yes, there have been three returns made of cash, and I will call Mr. Riker to show the examination that has been made in regard to it.

JOHN RIKER, recalled.

Examined by MR. CORBIN.

Q. You are clerk in the Treasurer's office? A. Yes, sir; under the Custodian awarded to that office.

Q. Have you made search in the Treasurer's office to find out whether there are any records there of the sales of State property made in the last three or four years? A. Yes, sir; there is one for the fiscal year ending—

Q. You have made a search, have you? A. Yes, sir.

Q. You find three, do you not? A. Yes, sir.

Q. What did you find in the way of report? A. Simply the check handed to the Treasurer.

Q. Well, you don't mean that you didn't find the check? A. No.

Q. What did you find? A. I found that there had been so much money given in to the Treasury on October 1st, 1891.

Q. Entered where? A. In their blotter.

Q. Simply in your cash blotter as an item of cash received? A. That is it.

Q. Are these three type-written statements, which you have furnished me, copies of the entries in your book? A. Yes, sir.

Q. Is that all the record that you find in the State House with reference to those sales? *A.* That is all.

Q. I will read it and ask the stenographer to put it on the record: "Deposited B. J. Ford check on the Second National Bank of Newark, N. J., dated October 26th, 1891, for amount reported to State Treasurer as proceeds of sale at the State House of old furniture, carpets, boilers, engines, etc., to October 31st, 1891, \$2,064.21." The second one is: "Deposited B. J. Ford, Superintendent, check on the Second National Bank of Newark, N. J., dated October 31st, 1892, for amount reported to the Treasurer as proceeds of sale at State House of old furniture, carpets, gas fixtures, etc., to October 31st, 1892, \$1,051.25." "Deposited B. J. Ford, Superintendent, check on the Second National Bank of Newark, N. J., dated October 25th, 1893, being amount reported to Treasurer as proceeds of sale at State House of old furniture, carpets, etc., to October 31st, 1893, \$708.85." Was any record of how these sums were made up furnished to the State Treasurer? *A.* No, sir.

Q. Is there any record in the State House that you can find? *A.* Not that I know of.

Q. Were you present at the auction sale? *A.* Only going through the hall, that is all.

Q. You had no part in it? *A.* None whatever.

Mr. Corbin—I draw the attention of the Committee to the fact that these sums are turned in in checks at the end of the fiscal year, which is October 31st, annually. For example, the sales in 1891 were made in April and in June, when the Assembly Chamber was torn down, but nothing was turned in to the State until October 31st, 1891, the end of the fiscal year. Then a check for simply a lump sum is handed in, with the remark, apparently, that "This is what I have received."

Q. Has this ever been checked off by anybody? *A.* Not that I know of.

Mr. Corbin—A public sale was advertised December 27th, 1893, to take place on December 28th, 1893, of a lot of desks, chairs, &c., being the court-room furniture.

Q. Have any returns ever come in from that sale? *A.* Only those three that I mentioned.

Q. This is two months later than the last one? *A.* Nothing for last year at all.

Q. And nothing since that time? *A.* No, sir.

Q. Do you know what that sale realized? *A.* No, sir; nothing about it.

Q. And there is no record of it here? A. Not to my knowledge.

JOHN CONNELL, sworn.

Examined by MR. CORBIN.

Q. Are you in the employ of the State? A. Yes, sir.

Q. What capacity? A. Well, in the pay roll counted as a doorman, but I am really employed at the telephone office; that is what they call it; I am at the telephone office; I am all over.

Q. You are employed here in the hall? A. Yes, sir.

Q. How long have you been employed here? A. Six years in October.

Q. Were you present in December, 1893, at a sale of the furniture of the Supreme Court room and Chancery room, and certain other property? A. Yes, sir.

Q. Where was that held? A. That was held outside here.

Q. In the corridor? A. In the corridor.

Q. Was Mr. Ford, the Superintendent, present? A. I think he was present.

Q. It was under his charge? A. He was backwards and forwards; under his charge; yes, sir.

Q. Did you take any part in the sale, and if so, what? A. I was keeping account of what they sold, and Mr. John Colville cried the sale.

Q. You kept an account of the sale? A. Yes, sir.

Q. What did you do with your account after the sale was over? A. Mr. Ford has got it; he didn't get it at the time; he got it afterwards; he asked me how much it was—he lost sight of how much it was and he asked me, and I gave him the whole thing; sent it to him.

Q. How long after that sale did you send this record of it to Mr. Ford? A. Some time; at the beginning of this year.

Q. Beginning of this year 1895? A. Yes, sir.

Q. Is there any record here left of it? A. I haven't got any.

Q. He sent for it recently? A. He asked me the amount of it, and instead of doing that I sent him the whole thing.

Q. Was it in a book or on paper? A. Just on a slip of paper.

Q. And you have no record of it left? A. No, sir.

Q. Was any record of it made except that? A. No, sir.

Q. Do you happen to remember how much the sale amounted to? A. To the best of my knowledge the amount of money that he held is \$414.05, that is to the best of my knowledge.

Q. That was the amount of that sale; that was the amount that he got; you turned over everything to him? A. Yes, sir.

Q. Was all this property sold in a lump, or was it sold separately? A. No, sir; well, for instance, they took a lot of desks and all that; there was one long desk.

Q. That was the desk in the Supreme Court room? A. Yes, sir; that was sold separate, then another desk, and they sold some chairs.

Q. Carpets? A. I don't think there was any carpets in that sale; if I remember right I don't think there was.

Q. Settees, &c.? A. Yes, sir; settees; there was the old Supreme Court chairs and Chancery chairs.

Q. Who took the money? A. A good part of it was handed over to me and I handed it to him; I would get it to-day and hand it over to-night, or perhaps the next day.

Q. Did everybody pay up? A. Everybody paid up as far as I know, that is, I got pay and he got some checks sent to him, and when he told me what he got I would mark it off.

Q. How long ago was it Mr. Ford sent to you to ask the amount of this? A. I don't know; I think it was some time in January, this year.

Q. Was it since this Committee was appointed? A. No, I don't think so; I am not sure; it was before that I guess.

Q. Did he ask you personally or write to you for it? A. He asked me personally and I told him if I could—he told me he would like to have it; he thought he knew pretty near what it was. “Well,” I says, “I can't tell you exactly, but I will find out for you; I think I have got a memorandum yet of it,” and so I sent him the memorandum, and he telephoned me afterwards that it was just right with the account that he had, and he said he had that for you, he had that money saved for you.

Q. He has never sent the money to you? A. He wouldn't send it to me; I don't want it; I don't want any money; I have got plenty.

J. B. COLVILLE sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. 215 Academy street, Trenton.

Q. What is your occupation? A. Auctioneer.

Q. Do you remember acting as auctioneer for Mr. Ford, the Superintendent of the State House, in December, 1893, when the court furniture was sold? A. Yes, sir.

Q. Where was the auction held. A. Out here in the lobby.

Q. Who employed you? A. Well, it was through Mr. Major Hurley and Mr. Ford.

Q. Major Hurley asked you to act, did he? A. No, I asked him.

Q. You asked him to get the employment for you. A. Yes, sir.

Q. And he secured it for you? A. Yes, sir.

Q. Had you acted as auctioneer for the previous sales here? A. No, sir.

Q. Only that once? A. Yes, sir.

Q. Did you sell everything that was offered? A. I believe I did; yes, sir.

Q. Do you recall what what sold, if anything, other than the furniture of those two rooms? A. Well, the furniture was all there; I don't know where it came from.

Q. It had been removed to the corridor on the first floor? A. Yes, sir.

Q. Who paid you? A. Mr. Ford, I think—no, he or his man that they had here acting as deputy—Foster.

Q. Simply handed you your fee in cash? A. Yes, sir.

Q. There was no warrant on the Treasurer, or anything of that sort? A. I believe not.

Q. What did they pay you, if you happen to recollect? A. Ten.

Mr. Corbin—I think I have nothing further to offer upon this subject, and in dismissing it I simply allude to the fact that in the years from 1890 to 1894 substantially everything in all parts of the State House, including the carpets and furniture, was sold, from the library in the roof to the cellar; that in some of the rooms it will appear that the furniture has been replaced twice, that even the safes were sold and new safes brought in to replace them. There is no record whatever, except what I have read to you, of when or what those sales were. What was taken out was replaced at a cost of \$120,000 or \$125,000, and these three sums that I have mentioned aggregated between \$3,000 and \$4,000. As to this last sale, which is clearly proved by these witnesses, nothing has ever been returned to the State. The matter seems to have been conducted as if it were a private affair and individuals having it in charge, and not at all as a State matter.

The proceeds of these sales appear never to have been inquired into, nor audited or examined by anybody, and the money appears to have been taken for the use of the man having charge of the sale, and at the end of each fiscal year he turned in a check which he said was

for what he had received during the year. That is the record of this performance. It seems to me that it requires no comment from me at this time.

Chairman Voorhees—Under what authority did he make these sales, or claim a right to make them?

Mr. Corbin—I know of no authority at all of the Superintendent of the State House to dispose of State property. If he can dispose of safes, I don't know why he could not dispose of the State House. It is possible that the Board having charge of the State House, in the exercise of its power to replace and renew furniture and appliances and fixtures, might order sales, but it does seem to me very clear that whoever sells the State property should at least leave some record of it behind him.

Senator Daly—No itemized account of what was sold?

Mr. Corbin—No, sir; the only one that remains in the State House is that which Mr. Connell swears that he recently, at Mr. Ford's request, turned over to him. There is nothing except the entry of a line, three times, in the Treasurer's blotter, to the effect that a certain amount of money was turned in to him.

Senator Skirm—As I understand, this last amount that Mr. Connell said he rendered to Mr. Ford in January, has never been turned in to the State.

Mr. Corbin—Never been turned in at all. I desire to offer some testimony with regard to certain Executive expenses which I have.

EDWARD D. FOX, recalled.

Examined by MR. CORBIN.

Q. You are a clerk in the Executive offices of the State? A. Yes, sir.

Q. I think you said you had been for some thirty years? A. Yes, sir.

Q. Is there a telephone in the Governor's office? A. Yes, sir.

Q. Paid for by the State? A. Yes, sir; there was two.

Q. They were paid for by the State? A. Yes, sir.

Q. Are stenographers employed there? A. Yes, sir.

Q. Messrs. Knight & Gnichtel have acted in that capacity? A. Yes, sir.

Q. And are paid month by month? A. Yes, sir.

Q. Did you ever know of any use of telephone there, or any use of stenographers there, that was not paid for by the State?

A. No, sir.

Mr. Corbin—I call the attention of the Committee to some schedules that I made up from the Treasurer's report, from the printed book, which anybody can see, but the significance of which does not always appear until it is carefully examined. I have, for the purpose of comparison, made some figures here with regard to the last three Executive administrations—Governor Green's, Governor Abbett's and Governor Werts'—and I have got from the Comptroller's office the vouchers from the Postoffice Department for postage for one thing.

In Governor Green's administration, beginning in 1887, the record was this: Mr. Robert S. Green, Jr., was private secretary of the Governor, having charge of this matter. The postage in 1887 was \$285; in 1888, \$405, in 1889, \$815, being an average for the three years of \$501. There were no other incidental expenses during that administration. The Committee will note that—no incidental expenses of any kind, whatever. It was a total of \$1,500 for the entire administration.

Under the next administration, of Mr. Leon Abbett, Jr., private secretary, postage in 1890, \$692; in 1891, \$860; in 1892, \$990, an average of \$847, and Mr. Abbett put in bills for what were called "incidental expenses" for telephone and stenographer, the first year \$515.52; the second year \$1,009.97, and the third year \$2,637.07, making an average of \$1,387 per year.

Under the present administration of Governor Werts, the second year of which is just completed, Mr. John S. McMaster, Private Secretary; postage, first year, \$380; second year, \$401; third year, \$390, or considerable less than half of the previous administration.

The incidental expenses for the first year, charged up in bills with considerable detail, for messenger service and telephone bills and telegraph bills in Jersey City; first year, \$135, and for the second year, \$80, making an average of \$107 as against an average of \$1,387 of the previous administration.

The bills are here. They are in most part without any items at all. There are seven bills by Leon Abbett, Jr., to the State, approved by the Governor, charged as traveling expenses, stenographers and telephone expenses. I desire to have the Committee look them over. They are bills during the years 1890, 1891 and 1892. These bills were brought to my attention by certain

State officers as being entirely unique and unusual, and I deemed it my duty, as they were brought to my attention, to offer them for the inspection of the Committee.

The Treasurer's report shows a payment every month from the Governor's office of \$250 to \$300 for stenographers' bills. I am at a loss to know where the services were that did not go in these bills. They amounted for the last year to \$2,637, and with about a thousand dollars addition for postage, making \$3,600 altogether. I submit for the inspection of the Committee a schedule which I have made up also from the bills which have been brought to my attention by certain State House officers regarding this same administration of the Private Secretary of the Governor, from January, 1890, to January, 1893.

In 1890 the Private Secretary of the Governor was paid the usual salary of \$2,000; incidentals, \$515.52; as counsel to the Dairy Commission, \$213.85; total, \$2,729.37.

The second year the salary was \$2,000, the incidentals, \$1,003.97; counsel in the matter of rebuilding the Assembly Chamber, \$90, and as counsel to the Dairy Commissioners, \$1,515.47; making a total of \$4,615.44.

The third year the salary was \$2,000; incidentals, \$2,637.07; rebuilding the Assembly Chamber, \$75; Sinking Fund Commissioners, services outside of costs, \$238.75; counsel for Dairy Commissioner, \$1,205.06, making a total of \$6,155.88.

LEON ABBETT, JR., Private Secretary to Governor.

January 21st, 1890, to January 17th, 1893.

	Salary as Private Secretary.	Incidentals.	Rebuilding Assembly Chamber.	Sinking Fund Commis'ers.	Dairy Commis'er.
1890.....	\$2,000	\$515 52	.....	.....	\$213 85
1891.....	2,000	1,009 97	\$90 00	.....	1,515 47
1892.....	2,000	2,637 07	75 00	\$238 75	1,205 06
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	\$6,000	\$4,162 56	\$165 00	\$238 75	\$2,934 38

First year, total, \$2,729.37; second year, \$4,615.44; third year, \$6,155.88. Grand total, \$13,500.69.

Mr. Corbin—I desire to draw the attention of the Committee to one other matter, not with any view of

commenting unfavorably upon the expenditure; that is, not suggesting anything improper in the expenditure except extravagance, which is so obvious from reading the figures. It is comparatively a small matter, and yet I think it should be drawn to the attention of the Committee; that is, a matter of the State House grounds. I will ask Mr. Bonnell, who has already been called, a question or two with reference to it first.

JOHN M. BONNELL, recalled.

Examined by MR. CORBIN.

Q. Have you a gardener for taking charge of the grounds in the employ of the State? A. Yes, sir; one.

Q. He is regularly upon the pay roll, is he not? A. Yes, sir.

Q. And in the summer when the grass is to be cut and other work done do the other laborers here assist him? A. Yes, sir.

Q. There are several laborers around the State House, are there not, who are at work? A. Yes, sir; cleaning the offices, and after they are through there, put on the grounds cutting grass.

Q. They assist him, under his charge? A. Yes, sir.

Mr. Corbin—In 1890 the State paid for the grass seed and flowers and such things, \$431; in 1891, \$586; in 1892, \$843; grass seed and flowers and posies, 1893, \$1,938; in the spring of 1894, \$1,390.

Chairman Voorhees—It isn't on a lot as big as a farm either.

Mr. Corbin—It is what we see; I think the lot is 265 feet wide, and I think about 160 of it is occupied by the building in connection. These flowers and seeds seem to be purchased from C. Ribsam & Sons; I don't suggest the slightest impropriety about the bills on their behalf.

Chairman Voorhees—On the contrary, I understand that they positively refused to submit to any division.

Mr. Corbin—I think Messrs. Ribsam & Sons' bill is entirely correct.

Senator Skirm—They would make no bill but what was straight.

Mr. Corbin—I have not thought it worth while to go into the details, but there are bills here for fertilizers and labor and grading, &c. I think I have already offered a batch of some forty bills for grading, in one shape or another, of Major Hurley, and I think it is indicative of a sort of extravagance that might be remedied, possibly,

and the Committee's attention ought to be drawn to it. I will not dwell on that any further.

I desire to refer to eight bills for painting in the halls and different rooms of the State House, rendered by Messrs. H. Kinnard & Co., of Newark, amounting to \$13,784.20; one of them is for painting this room, \$2,916; others are for painting the old part of the Capitol; I think there are two for painting the Superintendent's office and those in its neighborhood, the work having been done twice in the last three or four years.

HUGH KINNARD, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. I reside at 755 High street, Newark.

Q. Are you a member of the firm of H. Kinnard & Sons? A. No, sir; I am the senior partner of H. Kinnard & Co.

Q. Did you do painting in the State House? A. I did, sir.

Q. Who employed you to do it? A. Mr. Ford, the Superintendent, I done the bulk of my business with.

Q. Did anybody else employ you to do any? A. Well, yes; Governor Abbett consulted me about this room, this Senate Chamber, and the ante-rooms and the adjoining rooms, about the designing, &c. I submitted to him a paper sketch of the design for this room before we commenced it; I had two interviews with the Governor, one in connection with Mr. Ford and another one one morning here in the room.

Q. Have you brought your books in answer to the subpoena? A. I have, sir.

Q. I would like to see the books showing the accounts with the State. Was this work done by contract or by days' work? A. Well, the bulk of it was done by days' work, sir; I estimated on it, but they made changes and finally turned it into days' work.

Q. There was one little contract for some exterior work of \$488, was there not? A. If my memory serves me right, that was for the exterior work in the new building, the exterior wood and iron work.

Q. That was the only one that was done by contract, was it not? A. That is my recollection now; my memory doesn't carry me.

Q. When you do work of this sort, in what book do you enter it first? A. We generally enter it first in the day book.

Q. Will this work be found entered in your day book? *A.* I think it will; I haven't had time to go over it.

Q. And from your day book to what book do you carry it?
A. To the journal.

Q. And thence where? *A.* Generally to the ledger.

Q. Will the accounts with the State from 1890 to 1894 be found in these books? *A.* I think they will, sir; I couldn't answer positively, because I don't keep the books myself; I had a bookkeeper.

Q. It should be all here? *A.* It should be; yes, sir.

Q. Have you your cash books? *A.* My cash books?

Q. Yes? *A.* Well, those are my cash books.

Q. Are those all the cash books you keep? *A.* Yes, sir.

Q. Keep no larger book into which the cash is carried? *A.* No, sir.

Q. Where do you keep your account with the bank? *A.* With the Newark National Banking Company.

Q. No; but in what book does it appear; in which one of your books does it appear? *A.* It appears, in the first place, on the stubs of the check book and the checks.

Q. That is all? *A.* That is all.

Q. Is there any cash account in your ledger? *A.* Largely so; yes, sir; the cash originally received is generally put in the journal and ledger.

Q. What book do you go to to find out the state of your cash at any given time? *A.* I generally go to my bank book.

Q. Is there any other book among these where you can find it? *A.* No, sir; we don't keep books—we don't keep double entry books; you know our books—

Q. That is your bank balance, isn't it? *A.* Yes, sir.

Q. Now, the state of your cash account is what I wanted to get at—where do you find that? *A.* The state of my cash?

Q. Yes? *A.* In my cash book, sir; I have a debtor and credit.

Q. Do these two, one follow the other, or are they both used at the same time? *A.* One follows the other.

Q. A debit and credit, both is in the cash book, is it? *A.* Yes, sir; there is credit and there is a debit, so I get the balance there from the cash at all times; then on the stub of my check book—

Q. I am not after your system of keeping books; I am only trying to learn—I have never seen the inside of the books before.

A. You see, there is my balance.

Q. How often do you balance the cash book? *A.* At the bottom of every page, carry it forward, which it will show there, I think, sir.

Q. Are the amounts which you pay by check transferred to the cash book? *A.* In some cases, yes, sir, largely so.

Q. Well, are the checks which you draw and pay out not all posted to your cash book? *A.* No, sir; they are simply marked on the stub of the check book.

Q. Then you have to resort to your check book as well to find out your real cash balance, do you not? *A.* I do, sir.

Q. Who keeps your books? *A.* This young man; Van-Houten keeps them at present.

Q. He is your bookkeeper? *A.* He is at present; yes, sir.

Q. And has been for how long? *A.* Since the second week in November.

Q. Do you carry any account with your bank in the ledger?

A. No, sir; none whatever.

Q. Nor with cash? *A.* No, sir.

Q. I show you checks of the State to H. Kinnard & Co., together with the warrants attached to each. Look at these checks and warrants as I show them to you and see whether they are endorsed correctly, by you or some member of your firm, and whether you received that first check, dated January 29th, 1890, \$1,191.01. *A.* Yes, sir; that is correctly endorsed on the check by me, and also receipted for the warrant, firm signature done by me.

The warrant last referred to is marked "Exhibit 179" and the check "180."

Q. Look at check dated January 19th, 1891, \$2,792, with the warrant. *A.* Yes, sir; that is endorsed the same, by me.

Warrant marked "Exhibit 181," check "Exhibit 182."

Q. Look at check dated December 27th, 1892, for \$1,836.75, with the warrant. *A.* Endorsed by me, sir, for the firm.

Warrant marked "Exhibit 183," check "184."

Q. Look at check dated January 24th, 1893, \$258, with the warrant? *A.* The warrant is endorsed by my partner, Martin, and the check is endorsed by me.

Warrant marked "Exhibit 185," check "186."

Q. Look at the check dated June 13th, 1893, \$208.35, with the warrant? *A.* That is endorsed by Martin, the warrant, and the check is endorsed by me.

Warrant marked "Exhibit 187," check "188."

Q. Look at check dated July 11th, for 1893, for \$319.25, with warrant? *A.* That is endorsed, the warrant by Mr. Martin and the check by me.

Warrant marked "Exhibit 189," check "190."

Q. Look at check for \$4,262.41, dated January 9th, 1894, and the warrant? *A.* The warrant is endorsed by Martin and the check by me for the Company.

Warrant marked "Exhibit 191," check "192."

Q. Look at check for the Senate Chamber painting, dated January 18th, 1893, for \$2,916.78 with warrant? *A.* Warrant endorsed by Martin, check by me.

Warrant marked "Exhibit 193," check "194."

Q. Martin is your partner? *A.* Yes, sir; he was.

Q. What is the name of this gentleman, your present book-keeper? *A.* Thomas Van Houten.

Q. Who kept your books before him? *A.* Mr. Merrick Martin.

Q. For how long? *A.* Since 1889.

Q. In making up your bills against the State, who fixed the prices? *A.* Well, he did largely; he kept the books; he was the practical man in the business.

Q. Who was that? *A.* Mr. Merrick Martin.

Q. He was the one who was your partner? *A.* Yes, sir?

Q. In obtaining this work from the State and in your dealings with the State, however, you personally took charge of it, did you not? *A.* I did, sir, personally; yes, sir.

Q. I observe that most of these warrants are signed by you? *A.* Yes, sir.

Q. Did you go to Trenton at the time payment was due, or were the warrants sent to you at Newark? *A.* The warrants were generally sent to us at Newark, sir; yes, sir, they were all sent, if my memory is right.

Q. To whom did you give bills when you made them out? *A.* We sent them to the Superintendent of the State House, Mr. Ford.

Q. And then you received your warrant? *A.* Yes, sir; we received our warrant.

Q. Did you send them to him at Newark, or at Trenton? *A.* Sent them here to the Capitol, Trenton.

Q. Did Martin and you have any consultation as to what the price should be in making up your bills? *A.* Well, in some cases I think we did; yes, sir.

Q. In others one of you alone dictated? *A.* He made the bills according to the prices we charged other parties.

Q. When did Mr. Martin cease to be your partner? *A.* Last November.

Q. He was your partner then during the entire period of your dealings with the State? *A.* He was, sir; he was a partner in so much as he received a stationed salary and an interest on the business done after the expense of the business was paid; he had no capital invested in the business.

Q. How did you first come to secure a contract with the State in this painting. *A.* I was called on by Mr. Ford, then the Superintendent, and asked to make an estimate on decorating the court room, on that first bill.

Q. Your first bill was in January, 1890? *A.* My memory puts that not the first bill—the first bill was \$1,191.01.

Senator Daly—That was paid by whom? Who was Comptroller and Treasurer then?

Mr. Corbin—The Treasurer was John J. Toffey, the Comptroller was E. J. Anderson.

Senator Skirm—Who was the Custodian at that time?

Mr. Corbin—B. J. Ford was Superintendent of the State House.

Witness—As I was going to remark, I was called on in October, 1889, by Mr. Ford and asked for an estimate on the Court of Appeals room, and I made him an estimate, but I didn't retain a copy of it, but my recollection is that the estimate—

Q. That was not what I asked you. I asked you how you came first to be employed? *A.* Mr. Ford waited on me and asked me to come here.

Q. Waited on you in Newark? *A.* Yes, sir.

Q. Had you been acquainted with him before? *A.* Yes, I have known him ever since I have known anybody.

Chairman Voorhees—The Committee are all anxious to know what authority Mr. Ford had to make this contract for this work done at that time.

Mr. Corbin—This first bill is for painting in the rooms of the Court of Chancery and hall, and Governor's private rooms, and Senate and Assembly Bill rooms, &c.

Witness—Kalsomining and painting walls.

Mr. Corbin—At that time Mr. Ford was Superintendent, so called, of the State House, and was, doubtless, acting under the statute passed in 1889, under which he was appointed. The duties incumbent upon him under that act, which is Chapter 184 of the Laws

of 1889, were to generally supervise the State House and grounds, and preserve them from injury, and to provide for their being kept in proper order, and to take care that they should be warmed, swept, cleaned and ventilated, and to employ as many assistants as might be necessary, at such prices as the Governor, Attorney-General and State Treasurer should approve—that is the whole of it.

Senator Daly—That is all the power he had. That is no power to contract these debts; none whatever; the Treasurer and the Comptroller had no business to pay it.

Senator Voorhees—Isn't that so?

Mr. Corbin—It raises an interesting question. That law that I have just quoted, together with the joint resolution of 1846, is all the law there is on the subject. The joint resolution of 1846 charges the State Treasurer with the custody of the building and grounds, and he continued in the custody of them until 1889, when this law was passed under which the Superintendent was put in charge. His powers were such as I have read.

Chairman Voorhees—And when there was the slightest doubt under the resolution of 1846 they always ran to the Attorney-General?

Mr. Corbin—I have no further opinions of the Attorney-General except what I have put in. But to answer the question, practically from the time the Superintendent took charge in 1889 he seems to have taken full charge, and nobody seems to have questioned his doing anything with the State House that could be done with it.

Senator Skirm—And therefore all his bills on this work were certified to by the Treasurer and Comptroller.

Mr. Corbin—Necessarily so in the signing of the warrant and check. There seems to have been some doubt in the minds of the State officials in this early time in 1890, as I find these bills are certified to by the Superintendent and Treasurer. The Treasurer had been for forty years the custodian of the State House and in the habit of certifying, and they are, in fact, certified to by the Treasurer as well as the Superintendent.

Q. Well, after that, when work was desired at the State House, Mr. Ford sent you word, did he? *A.* Mr. Ford sent me word; yes, sir.

Q. And you did what was done? *A.* Yes, sir; according to those bills.

Q. Now, as to the labor expended upon the State House, who kept the record of that, and where was it kept? *A.* Well, I was here from one to two, generally two days a week, and I had a man in charge that looked after the men here, who kept the time and rendered me an account of it when I come here; I used to generally come here Tuesdays and Fridays.

Q. Did he keep a time-book? *A.* Well, he kept a time-book in his pocket which contained his time.

Q. Have you got it? *A.* I haven't, sir.

Q. Have you any time-books here? *A.* Yes, sir; I have all my time-books here; they are all the time-books I kept.

Q. I see, by referring to the account with the State, on page 436 of your ledger, that there are numerous charges simply to merchandise, &c., and a multitude of them seem to be just an even \$20? *A.* Well, that is a number of men working certain days—\$3.50 a day.

Q. That is not merchandise, but really labor, is it? *A.* That is labor; no doubt that is where there has been no material charge; we weighed the material here and charged it in the various works.

Q. Don't get on too fast; we will only tangle ourselves up; let us take one thing at a time. When was the material charged up? *A.* At various times, as it was used.

Q. How often? *A.* Oh, well, we had no special time: a man kept account of it, and we had a scale here and weighed the material.

Q. Can't you answer any closer than that; once a month, or once a week? *A.* The book will show; sometimes once a month—not once a month; oftener than once a month; sometimes once a week, or two or three times.

Q. Have you any ledger following this ledger which I have in hand? *A.* No, sir.

Q. This account seems to be tranferred from page 436 to page 298; and you lump from December, 1890, to December, 1892; and in the year 1892 you simply have one lump sum charged for the entire bill. Where will I find the details? *A.* I presume you will find it in the day book.

Q. Not the journal? *A.* Well, I won't say; I think it is possibly in the journal; I have had no opportunity to look over it.

Q. Is your former partner, Mr. Martin, here? *A.* No, sir.

Mr. Corbin—I will not weary the Committee with an examination of the books now. It will take too long. The first part of the account seems to be in detail, small items from day to day, and later on simply a transfer to some other book, so that it will require a little examination to understand the course of the bookkeeping.

Q. Did anybody else have anything to say as to what prices should be charged except you and Mr. Martin? *A.* No, sir.

Q. You deposited all these checks you got from the State to the credit of your firm in your bank account? *A.* Yes, sir.

Q. Which is the Newark Banking Company? *A.* Yes, sir; my check books will show it.

Q. Your check books and checks are here, are they? *A.* Yes, sir, I believe they are; all I could get together since four o'clock yesterday afternoon.

Q. If you find anything else that bears upon it will you produce it? *A.* There is one small job book we couldn't find; we hunted for it up until nine o'clock last evening and again this morning—a small job book that refers to some of the charges; you will find the credits all in that cash book; that I looked over this morning.

Q. And it covers the entire period asked for? *A.* Yes, sir.

Q. After your bills were made out did you go over them at all with Mr. Ford? *A.* Never, sir.

Q. Or did anybody else on behalf of the State? *A.* Never, excepting with my partner.

Q. But no one on behalf of the State? *A.* No, sir.

Q. Were they always approved as you sent them down, without any cavil or question? *A.* To the best of my recollection, every time.

Q. Every bill went through? *A.* Every bill went through.

Examined by SENATOR SKIRM.

Q. Do I understand this gentleman to say that this work, aggregating \$13,000 or \$14,000, was all done without any bids or invitation of bids or proposals; do I understand that? *A.* No, sir, I didn't say that; I didn't mean to if I did.

Q. I wanted to know that? *A.* I understood Mr. Ford, for instance, when he asked me to bid on this Senate Chamber and all the adjoining ante-rooms, the President's room and all the rooms back here, all those side rooms, repainting and graining of all this wood work in the front halls and all the front rooms, which is what embraced the Senate Chamber—the Senate Chamber is

only a portion of this work—when he solicited me to make a bid for it he solicited bids for that, and then eventually throwed it into day's work.

Q. In other words, he wanted to get an estimate of the probable cost? *A.* Yes, sir; he told me he had to consult the Governor, the Comptroller and the Treasurer, and he wanted an estimate on this work.

Q. On the Senate Chamber? *A.* Yes, sir; with all the adjoining rooms.

Q. When you were at that wing in which the Superintendent's office was were there any bids put in for that? *A.* Not to my recollection.

Q. You painted that twice, didn't you? *A.* Yes, sir; he altered it and there was new walls put in.

Q. You painted it twice two years apart? *A.* Yes, sir. As I was going to say in answer to your question, I made a bid for this work; then he changed the plans and had me submit that, as I said here a moment ago, to the Governor, which I had two interviews with the Governor with regard to decorating this Senate Chamber and the adjoining rooms; then he would interfere with my men; he would take my men, for instance, off of this work and put them on other work, and it was impossible to keep the work straight, and he finally threw the work into days work: the trouble was, we were working all over the building. We have done the entire interior of this old State House, excepting the Governor's main reception room and the two rooms on the east side, and what is known as the Old Library room, on the second floor, towards the river here; we have been all through this entire building.

Q. Then it was almost impossible to make an estimate that would cover it before the work was done, what the cost would be? *A.* Well, it was—if I didn't know just what I was going to do, sir; I can spend a thousand dollars on this room and I can spend five thousand dollars and give you value received in proportion to the amount of decoration; it is a question of how much you want to spend; that is the question I ask a man when he asks me to make an estimate for decorating a room or public hall, I say "how do you want it done?"

Examined by MR. CORBIN.

Q. Is it not true that your different works done for the State were all done at separate times; with the exception of the time you were working on this Chamber, you did do some other work in the Governor's room and the corridors, &c.? *A.* Yes, sir.

Q. The other jobs were all separate? A. Not exactly.

Q. Months apart, weren't they; don't your bills show that?

A. My bills has specified that as near as I can, but I couldn't give you the detail.

Q. Your first bill was January, 1890? A. Yes, sir.

Q. Second bill, January, 1891? A. Yes, sir.

Q. Third bill was December, 1892; then came two bills, when you did the Senate Chamber; quite a number of bills in 1893; in 1893 you rendered four bills? A. Yes, sir.

Q. You had finished the Senate Chamber about January, 1893? A. Yes, sir.

Q. Well, most of your works were divided into different times, with the exception of when you were working here, when you were working in the Senate Chamber, they did call you off to other parts of the building? A. Yes, sir.

Q. But in the other works you were not diverted, were you, by anybody? A. Yes, sir; our men were for different things; for instance, we done the Governor's private room.

Q. That was done while you were doing this? A. Yes, sir; the men were taken off of that, and taken off to paint urns out in the yard and various other things, too numerous for me to mention at this time.

Q. Now look at these bills and tell me in whose handwriting they are, the first bill for \$1,191.01, January, 1890? That is in Mr. Martin's handwriting, my partner.

Bill offered in evidence and marked "Exhibit 195."

Q. Look at bill of January, 1891, for \$2,792.05? A. That is also in Mr. Martin's handwriting.

Marked "Exhibit 196."

Q. Look at bill of December, 1892, consisting of three bills, one for \$488, one for \$373.70, one for \$974.65. In whose handwriting are those? A. Those are all in Mr. Martin's handwriting.

Marked "Exhibit 197."

Q. Also bill for Senate Chamber work, amounting to \$2,916.78? A. That is in his handwriting.

Marked "Exhibit 198."

Q. Also the bill of January, 1893, for \$258, Governor's room, &c.? A. That is also in his handwriting.

Marked "Exhibit 199."

Q. Also bill for \$208 for picture hanging, &c., June, 1893? A. That is also in Martin's handwriting.

Marked "Exhibit 200."

Q. Also bill of June 27th, 1893, \$319.25. A. That is also in Martin's handwriting.

Marked "Exhibit 201."

Mr. Corbin—There is one bill which I haven't here at the moment, January, 1894, \$4,262; I will produce it later.

Marked "Exhibit 202."

HENRY J. BENNETT sworn.

Chairman Voorhees—Before proceeding with this witness let me ask whether or not these expenditures were contracted by the Capitol Commission, so called?

Mr. Corbin—No, sir; with the possible exception of the bill which is now missing. There is a bill for the exterior iron and wood work of the front part that I think was.

Chairman Voorhees—That was the one that was done under contract; the painting done on the iron work and in front of the new Capitol was done under the Capitol Commission authority.

Mr. Kinnard—I received my orders from Mr. Ford.

Mr. Corbin—August 8th, 1892, Mr. Kinnard sent an estimate to Ford for painting all the windows, window-caps and cornices of the new front building of the State House, two good coats of paint, for \$488; that was obviously a repainting; the building was built before that, and that was approved by Mr. Ford and by Mr. Gray, State Treasurer, and paid out of the State House expenses; it was not charged to capitol construction at all, and did not go before that Committee.

Q. Where do you reside? A. Trenton, N. J.

Q. What is your occupation? A. Master painter.

Q. How long have you been engaged in that occupation? A. Since February 17th, 1846.

Q. Have you ever painted the State House, or any parts of it? A. I have.

Q. More than once have you been engaged here? A. Twice.

Q. You are familiar with the building, are you? A. Yes, sir.

Q. When the new front of the State House was complete did you have anything to do with that? A. I did.

Q. What? A. I had the contract for painting it.

Q. Inside and out? A. Yes, sir.

Q. And did you paint it? A. I did, sir.

Q. What other work were you engaged to do about the State House? A. I had an extra bill for painting the window caps; when I took the contract, or after I had taken the contract for

the State House, it was put on the old addition to harmonize with the new.

Q. The window caps of the old addition? *A.* Yes, sir; on the court rooms, on each one, north and south.

Q. You painted that when the work was new, for the first time? *A.* Yes, sir.

Q. Anything else included in that employment. *A.* I painted all the woodwork on the exterior, all the ironwork on the exterior, all the ironwork on the dome, under my contract, with the finishing of the interior by filling and finishing with hard oil finish, come under my first contract, \$2,998.80.

Q. I show you these seven bills of Hugh Kinnard & Co., from "Exhibit 195 to 201." Have you examined these bills? *A.* I have, sir.

Q. Have you gone over the State House to make examinations and measurements? *A.* I have, sir.

Q. With reference to the work. *A.* Yes, sir.

Q. Is it a part of your business to estimate upon the value of work? *A.* I never have done it for the Court before; I never was brought into court, but I do that for my livelihood.

Q. Do you make estimates and take contracts to do painting work? *A.* Yes, sir.

Q. And do you do work by day's work, also—buildings? *A.* Yes, sir.

Q. Are you accustomed to render bills for such work? *A.* Yes, sir.

Q. I draw your attention to this bill of December, 1895, "Exhibit 195," on which I see no dates whatever. *A.* I never made out bills that way.

Q. Did you ever see a painter's bill made out like that? *A.* No, sir; I was always required to itemize them, every account I ever had for the State of New Jersey; always required to itemize them, day and date.

Q. From what do you get at the number of days work done in a job; how do you find out how many days work? *A.* That we have to trust to the laborer.

Q. You have time books, don't you? *A.* Yes, sir.

Q. Your foreman keep time books? *A.* Yes, sir.

Q. You make it up from that? *A.* Yes, sir.

Q. But you put down the date and then state the number of days work done on that date? *A.* Yes, sir; every day, each man.

Q. Look at this first bill for the rooms of the Court of Chancery and the hall, the Governor's private rooms, and the Senate

and Assembly Bill-rooms, done in 1890, which, of course, means the old Assembly Bill-room before the room was cut down. Have you gone over these items with a view of looking at the items charged? *A.* Yes, sir.

Q. Take this bill, and look at these different items and the prices charged here, and tell me what are the prices that are charged in your trade for such items? *A.* I find 1,305 pounds of mixed paint at 15 cents per pound, \$195.75; I find 145 days' labor at \$3.50 per day.

Q. What is the price charged for that sort of labor? *A.* \$3 for me.

Q. When you say three dollars charged for it, you mean after adding your own profit? *A.* Yes, sir.

Q. Now, I find here all sorts of colors: French, carmine, cobalt blue, chrome yellow, coach green, and all sorts of items charged here—a very considerable sum of money—don't those go into the paint as mixed paint? *A.* Yes, sir.

Q. Then, if you have charged the mixed paint there at 15 cents, and again charged them down here a separate price, haven't you charged twice? *A.* Doubled up.

Q. What is the price of white lead? *A.* I can buy it now for about six and a half cents.

Q. In 1890? *A.* About six cents.

Q. After putting these colors in the mixed paints and the oil and the dryers, then you charge what? *A.* Then we charge fifteen cents.

Q. That is, including all the painter's profits? *A.* Yes, sir.

Q. Pretty good profits? *A.* Satisfied with it.

Q. After you have added to this six-cent lead your colors and charged fifteen cents a pound, you have got a profit which is satisfactory to you? *A.* Perfectly.

Q. Do you add more to it for the different colors that went in to make up that mixed paint? *No.*

Q. Is that proper? *A.* It would not be for me.

Q. Isn't it a duplicate charge? *A.* Certainly, sir.

Senator Daly—If this bill had been scrutinized by the people in authority, do you think they could have discovered that?

A. The building is put in tints, and undoubtedly the man had to use those tints here to make these tints with, umber, siennas and blues, and so on; he couldn't have made it with pure white lead and linseed oil.

Q. You have to use that to make mixed paint? *A.* We want that to make mixed paint; yes, sir.

Q. Look at bill of January, 1891, the first item in it is exterior, all the exterior wood and iron work of the old building, including the large brick chimney of the boiler-house; that is figured up at \$1,494; have you done that same work? *A.* I did, sir.

Q. And you did it when the work was new, as I understand you? *A.* Yes, sir; on the new bricks.

Q. What did you charge the State for doing that same work? *A.* I got \$175 for doing the stack, and I got \$633.50 for doing all the rest of the wood work.

Q. And the brick were then new? *A.* Yes, sir.

Q. And the window caps were new when you painted them? *A.* Yes, sir.

Q. Which cost the most to paint, brick when it is new, or give it a second coat by and by? *A.* I had to give it three coats, and scrape all the rough off.

Q. Your bill was 800 and odd dollars doing it when it was new? *A.* Yes, sir.

Q. What would be a fair bill for doing that again? *A.* One-third, take off one coat.

Q. Then a fair bill to put two coats on afterwards would be two-thirds of \$800? *A.* Yes, sir.

Q. Or something short of \$600? *A.* I would like to have it.

Q. I show you a quantity of paint charged there for that work, 2,993 pounds, or about a ton and a half; what do you say about that? *A.* I don't think that I could put it on with a paint brush; I think I would have to put it on with a trowel.

Q. What do you say to 298 days' labor for touching up those window caps? *A.* It isn't the kind of men I hire.

Q. How many days' labor did it take you to do it with three coats of paint? *A.* I will do it with 100 days and take a contract from the State to-morrow and give a bond for it.

Q. Look at the bill of December, 1892, which consists of three bills; the first item is \$488 for painting windows, frames, caps and deck cornice of the new front part of the building; you have painted that yourself? *A.* Yes, sir.

Q. Have you made an estimate of what was a fair price for that? *A.* Yes, sir.

Q. What is it? *A.* I will do it for \$200.

Q. Does that afford you a fair profit? *A.* Yes, sir; I don't work without I get it.

Q. Look at the next bill on this voucher for extra work for dome and deck work, bridge, lamps, &c., \$373; do you know

what that is? *A.* It is this little cap that comes around the big dome there, a little piece of ironwork that passes around there.

Q. 573 pounds of paint and 82 days' labor; what do you say to that? *A.* I don't know how they could get it there; I would like to have it for a good deal less.

Q. How many days' labor would be fair for such a job as that? *A.* I completed the whole of that work, with the interior of the new building, in 333 days.

Q. And they have 82 days' labor charged on here for that? *A.* Just going around the cornice and window frames and a little iron deck that strikes here as you start from the base of the dome.

Q. You did the whole building new in 333 days' work? *A.* Yes, sir; including the dome.

Q. What would you be willing to estimate and contract and do the work on that bill for? *A.* I got two dollars apiece for doing the lamp-posts when I done them.

Q. How many of them were there? *A.* I think it is eight; I won't be positive.

Q. (By Senator Skirm)—What are they charged at there? *A.* 573 pounds of paint, 15 cents a pound, \$85.95, 82 days' work; that includes, I understand, this little deck work that goes around the dome, that iron work, and this little bridge down here below here, the little iron bridge across the water power. Our estimate is \$7,656 against \$9,323.44.

Q. How much have you added for profit, how much per cent? *A.* \$380 profit; I do it by \$3 a day or 60 cents a square yard.

Q. You have got your paint figured there at 15 cents a pound? *A.* Yes, sir.

Q. As a matter of fact, haven't you got about 50 per cent. profit in there on the actual cost to you? *A.* Ninety per cent.

Q. In your estimate then of \$7,000 you have added to the actual cost to you 90 per cent? *A.* Yes, sir; we can hire decorators here at \$2 50 instead of \$3.50, and we don't get \$4 a day for grainers.

. Can you tell me what the actual cost of this work is, leave out all questions of profit and we will figure that; what would the actual cost be to you to do this work? *A.* That is what I say we will take that contract for, \$7,656.

Q. In that there is a profit of 90 per cent.? *A.* Yes, sir.

Q. In other words, the actual cost to you to do the whole thing would be about \$4,000? *A.* Yes, sir; this was done all over the old work; it ain't like going over three-coat work; it is all done over old work; it was done before.

Q. I show you "Exhibit 201," being bill for \$319.25, 1490 pounds metallic paint, 12½ cents, 38 days labor at \$3.50. What do you get for metallic paint? A. I get for dry metallic paint, mixed, 7½ cents; I get for it, ground in oil, 8½ cents—mixed with oil and turpentine.

Q. What do you say for 38 days' labor for painting that roof? A. They can't paint tin roofs with my men.

Q. Have you painted the roofs here? A. Yes, sir.

Q. What is your estimate on that job? A. A cent a foot, and everything furnished.

Q. What does that come up to? A. \$267.

Mr. Corbin—The largest bill of all has been for the moment mislaid.

Q. (By Senator Skirm)—Were you ever invited by Mr. Ford, or any other State officer, to make proposals or to make bids on this work? A. No, sir; I was informed by Mr. Ford when he first came here that I was out, that was all; Mr. Ford and me were old friends together for a good many years, but he informed me, "Harry, you ain't got no pull now; I will have to leave you out." That is all Mr. Ford ever said to me.

Q. Why was that? A. I wasn't in the ring, I suppose.

Q. (By Senator Daly)—You mean you were not a Democrat? A. That is it; I will give it to you square.

L. A. ARVIN BEROD, sworn.

Examined by MR. CORBIN.

Q. You live in Trenton? A. Yes, sir.

Q. What is your occupation? A. Fresco painter.

Q. How long have you practiced fresco painting? A. Twenty years.

Q. I show you bills of H. Kinnard & Co., paid by the State House; have you examined these bills? A. Yes, sir.

Q. Have you examined the work done in the State House with reference to the bills? A. Yes, sir.

Q. Do you know the prices of materials that are used in this kind of work? A. Most of them.

Q. Fresco materials? A. Yes, sir.

Q. Colors? A. Yes, sir.

Q. Look at the bill of January, 1890, for the rooms of the Court of Chancery, &c. I show you an item of mixed paint, 15 cents a pound—1,305 pounds? A. Yes, sir.

Q. How do you make mixed paint? A. By using lead and the different colors.

Q. You first take white lead? A. Yes, sir.

Q. And then tint it by the use of colors? *A.* Yes, sir; it would not be mixed paint if it wasn't.

Q. When you make the price for mixed paint, it covers all that is in it? *A.* Yes, sir; the lead and the color.

Q. And dryer and oil? *A.* Oil and turpentine.

Q. You observe the price fixed here is fifteen cents a pound; is that the full price for mixed paints, with oil and colors in? *A.* Yes, sir; some charge fifteen and some charge less, some charge more; but the regular run is fifteen cents.

Q. Look at these colors below, which are charged separately? *A.* Yes, sir.

Q. Are not those the very colors which are used to make up the mixed paint? *A.* Yes, sir.

Q. Go through these items and note the prices; the first item is French carmine, \$10 a pound; what is the cost of that? *A.* \$4.50 a pound—carmine No. 55.

Q. Look at cobalt blue, which is charged at \$15 a pound; what is the cost of that? *A.* Fifty cents a pound.

Mr. Corbin—It is charged at \$15 a pound; there is only half a pound of it.

Q. Chrome yellow; what is the price of that? *A.* Twenty-five cents a pound.

Q. Charged at 60; coach green; what is the price of that? *A.* 35 cents.

Q. Charged at 50; English India red? *A.* About 16 or 18 cents.

Q. Charged at 40 cents; Chinese blue; what is the price of that? *A.* About 35 cents a pound.

Q. Charged at 75; Van Dyke brown? *A.* 16 cents.

Q. Charged at 40; gold bronze; what do you have to pay for that? *A.* \$1.25 and \$1.75.

Q. Charged at \$2.75; copper bronze? *A.* Same price.

Q. Charged at \$2.75; bronze liquid; what do you pay for that? *A.* \$1.25.

Q. Charged \$1.50.

Mr. Corbin—The Committee will observe that not only are these colors charged first in the mixed paint, but they are charged twice, and the prices you have heard.

Q. Now, look at the bill of 1891, sizing; what is that worth? *A.* Well, I would like to know what kind of sizing they used; for water color it is a different kind of size; that is \$1.75 a gallon, and some use a glue size that costs about 2 cents a pound.

Q. This is charged 40 cents a pound, whatever it is; that would be about \$3 a gallon—kalsomine? A. 10 cents a pound.

Q. That is charged right, then? A. No, I don't think so; I would like to know if the party that put the kalsomine—one is whitening and glue and the other is kalsomine made purposely for it.

Q. These blues below here; cobalt blue at \$15 a pound; that is as you have stated before? A. As I said before.

Q. And these colors, should they all be included in the item of mixed paint? A. Certainly.

Q. Have you made an estimate as to the propriety of the days labor charge there? A. Yes, sir.

Q. And the quantity of paint, 2,677 pounds of paint; what do you say about the quantities for the space of wall covered? A. Well, the quantity may be used in some part, but the quantity would not be used; adding all those paints and different colors, it would be an excessive weight to put those colors on in addition to the mixed paint.

Q. Did you make an estimate of the labor? A. Yes, sir.

Q. How is that? A. Painters are paid in Newark at the rate of \$2.25 a day, and for fresco painters \$3 a day; now, they have got to pay the expense of board at the rate of 75 cents a day, but generally the firm pay \$5 a week board for each man.

Q. That would make it up to three dollars a day, nearly? A. About.

Q. Look at the bill of December, 1892, this bill for \$974 for the lower floor of the wing on the old part. Did you go through that and examine it and measure it up? A. Yes, sir.

Q. Did you make an estimate on that? A. Yes, sir.

Q. What is your estimate? A. Well, I found out the price of it would be too much of an extortion.

Q. How about the quantity; what quantity do you estimate? A. It is a little bit over too much there, because the ceilings are done in water.

Q. What do you say to 185 days' labor? A. It could be done less than that.

Q. What is your estimate upon it; did you make one? A. Yes, sir, I made an estimate of the Board of Assessors' room, the assistant Superintendent, and all of them offices I calculated would run about at the rate of \$50 or \$75 apiece, and one room could be done in about two days at least; now, the hall would require about three days.

Q. Have you got the figures as to what your estimate was on

that? A. I calculated about \$300 for the wing, comprising the color and the fresco of the ceilings.

Q. It is \$974 in this bill. Did you make an estimate on the Governor's room, corridor and doors, and a coat of paint on the front of the Assembly Chamber gallery; did you make an estimate on that work? A. I made an estimate on that work.

Q. What is your estimate on that? A. It would take about two days to do the Governor's room; and there is one thing I don't see there in the Governor's room, the graining of the doors.

Q. You don't find this graining? A. Yes, whatever graining—I don't know where it is.

Q. What is your estimate on that bill? A. I would give about \$100 or \$150.

Q. \$258 it is there. Look at this next bill of January, 1893; the decorating and graining is charged at \$4.50. Do you know what prices are charged for that kind of work? A. Graining is the same as plain painting, plain painters' work; a thorough mechanic house painter ought to know how to grain.

Q. What are they paid a day? A. \$2.25, the same as a plain painter.

Q. Charged here at \$4.50. Decorators; what do you pay here? A. \$3.

Q. They are charged \$4.50.

Mr. Corbin—The Committee will observe that in all these bills the color matter has been charged at the same rates that have been mentioned.

Q. There is an item of ten packs of gold leaf, \$100, \$10 a pack. What do you charge for that? A. That is a patent gold leaf; that is \$7.50 a pack.

Q. Charged here at \$10 a pack. This is for the Senate Chamber and ante-rooms of this building. Did you make an estimate for this? A. Yes, sir.

Q. What do you say as to that quantity, 3,810 pounds of paint, besides these other paints, perhaps four thousand and something? A. That ought to be covered at the most, three thousand.

Q. Did you make an estimate on this work? A. On the decoration.

Q. What is your estimate? A. My estimate on the decoration.

Q. You include these small rooms in the galleries? A. Yes, sir; \$1,200.

Q. For the whole thing? A. For the whole thing.

Q. Do you mean the gold leaf and all this decoration? A. Yes, sir.

Q. What did you have in for labor in your estimate? A. I got for labor in my estimate about the price—

Q. How many days' labor did you estimate? A. About a month.

Q. For how many men? A. About three men.

Q. Ninety days? A. Yes, sir.

Q. For the whole thing? A. For the whole thing.

Q. 550 days here in the bill. Have you got your estimate of labor; did you include these rooms back here? A. I included the hall.

Q. You make an estimate of \$1,200 for this? A. Yes, sir.

Q. This bill is \$2,916. A. And I added 50 per cent. beyond. The real cost would be \$1,023.

A. The actual cost to you, you figure, would be \$1,023? A. Yes, sir.

Q. And you add to that whatever your profit would be? A. Yes, sir; that is the bare cost.

Mr. Corbin—Now, in these are very large charges, and I call the attention of the Committee here to this enormous quantity of paint which is charged at 15 cents a pound, and then to these other items in the colors, all charged in as mentioned; dryers are charged, and putties, and umbers and all sorts of things.

Q. Did you have these bills before you and go over these items as you were making your estimate? A. Yes, sir.

Q. Look at this bill for \$208 for picture molding. Did you look at the picture molding? A. I looked at the picture molding.

Q. Here is a charge of 45 and 55 cents a foot. What do these picture moldings cost? A. Well, I guess about one-third—half of this bill would be about the right price.

Q. Would that still render you a profit? A. Yes, sir.

Q. What do those picture moldings cost you? A. As far as I could see from that one over there that I examined, that don't exceed three and a half inches, would cost at the rate of 20 cents a foot.

Q. They have charged, then, double what they would cost you? A. Yes, sir.

Q. They go to 55 cents. That is a bill for \$208.35. Did you assist Mr. Bennett in making up his estimate? A. Yes, sir.

Q. And in checking it up and measuring it up? A. Yes, sir.

Q. He took down the figures as you measured them up, did he? A. Yes, sir.

Recess.

HUGH KINNARD, recalled.

Examined by MR. CORBIN.

Q. I find by looking at your books that you refer to a book called the "Jobbing Book" for the details. Where is that book?

A. That is the book that I spoke of here when on the stand before; we couldn't find it.

Q. Do you keep a jobbing book now? A. We haven't recently, no, sir; but we did have one up to this time.

Q. Covering all this period? A. Yes, sir; and I couldn't find that book.

Q. Don't you think you can find the book if we give you an opportunity to look again for it? A. We hunted last night for it two hours, our entire place.

Q. When did Mr. Martin leave your business? A. He left the second Saturday in November.

Q. Where is he now? A. I don't know.

Q. Is he in Newark? A. He is not—not to my knowledge; I haven't seen or heard of him since.

Q. Is he in the State? A. Not that I know of, sir.

Q. Do you think he would know where that book is? A. It is possible; he is the only one that would be likely to know, being my present bookkeeper nor I don't know.

Q. He kept it? A. Yes, sir.

Q. The book is in his handwriting? A. Yes, sir.

Q. And that was kept up to the time of his leaving, in November? A. Yes, sir; that is my recollection.

Q. You have one now that you use from the date of that? A. Yes, sir.

Q. When did that one begin that you are now using? A. About September.

Q. Did Martin take the other one away? A. I wouldn't want to say he took it away; I never thought of looking for it until last evening.

Q. When did you last see it? A. I don't remember seeing it in six months.

Q. That contains the details of these transactions with the State? A. It contains the details of several of them, because it shows that by the ledger.

Q. The ledger refers to that book? A. Yes, sir.

Q. Did you make any entries in that book? A. Not to my recollection; he has had complete charge of the books.

Q. What was it, a blotter, or regularly kept day book? A. It was a blotter, a small book about the size of that check book.

Q. Why weren't entries from that carried into the journal?

A. I couldn't say, unless he failed to have time to do it; I see he has made up some bills without carrying from the blotter to the ledger.

Q. Did it have in it any accounts other than the State accounts?

A. Yes, sir; it had our jobbing accounts.

Q. It served the same purpose that this day book serves? A. Largely.

Q. What was the object of keeping a separate one? A. Well, it is only a custom we got into; I don't know of any special object, any more than we had it for what we call small jobbing work.

Q. How did you happen to classify the State's work under that head? A. I couldn't tell you that, sir; he done it; it seems he got it in there; I didn't know it was in there.

Q. And didn't get it into the day book and journal? A. No, sir.

Q. But the details of much of your other work are here in the day book and journal? A. Yes, sir.

Q. But the State's work is not? A. It is not, no, sir.

Senator Daly—The witness showed me a bill after recess that he wanted to explain.

Mr. Corbin—I will give him an opportunity to do so.

Q. Now, these time books that you have produced that show wages paid by you to the different workmen; can you tell from these where these workmen were engaged, whether at Trenton or elsewhere? A. I don't know, sir; I don't know that I really can now.

Q. There is nothing there to indicate where those men were working? A. No, sir.

Q. The job book would doubtless show that? A. I think it would if we could find it.

Mr. Corbin—In the absence of the job book, which has the details of this work, there is nothing to show here the State's accounts with any particularity, with the exception of certain items. I would like to have the witness produce that book, if he can.

Senator Skirm—Why is it that this book in this and in all other cases of the investigation, that the missing partner—the partner who knows it all—is away, and the book is away. Now, why should this book, of all others, be lost, I would like to ask the witness?

A. I can't say, sir.

Senator Skirm—It is exceedingly strange to the Committee, that of all the books that would develop this

thing, the one book, the missing link, is gone; now, you ought to be able to explain why that is.

A. I can't explain it; I was not aware the book was gone until last evening.

Q. (By Senator Skirm)—Are any of your other books gone?

A. Not that I know of.

Q. (By Senator Skirm)—Doesn't it strike you as a little strange that that book of all others should be missing? A. It does; as I remarked to my present bookkeeper, I could not understand it; I don't understand it.

Examined by SENATOR DALY.

Q. Do you think you can get it? A. I don't know; I can't say that I can or cannot get it; I don't know where it is; I have looked the store all over for it.

Q. When did you last hear of it? A. I have not heard of it, as I know of, since last fall.

Q. When did you last see it? A. I think it was probably last September or October.

Q. Where did you put it then? A. It was put in what we call the back office, with the other books that were not in use.

Q. You haven't seen it from that time? A. I have not, to my recollection.

Q. What use had you for it at that time? A. Well, we were looking up some bills that had been standing some time, and there were small bills, and he got this book out in order to show me the condition of the accounts.

Q. When did you last look for it? A. Last looked for it last night and this morning.

Q. Were you subpoenaed to produce it? A. I was subpoenaed to produce all the books pertaining to the State House business, and I have done it to the best of my ability.

Q. Have you the same employees now that you had then? A. Well, no; I can't say I have.

Q. Well, who had the custody of the books during all this time? A. This man Martin had the custody of them up to the second week of last November.

Q. Who has the custody of them now? A. Thomas Van Houten.

Q. Has he had them from November up to this time? A. Yes, sir.

Q. What does he say about it?

Mr. Corbin—I will call him.

Q. (By Chairman Voorhees)—You don't know where Mr. Martin, your former partner, is, sir? A. I do not.

Q. (By Chairman Voorhees)—Where was he when you last heard of him? A. He was in Newark on the second Saturday night of November; he left my store about quarter to 5 o'clock.

Q. (By Chairman Voorhees)—He didn't commit suicide? A. There is something singular about him; he has not been seen or heard of since.

Q. (By Chairman Voorhees)—Man of family? A. Yes, sir; his family claim to have heard nothing about him.

Q. (By Chairman Voorhees)—They don't know his whereabouts? A. They tell me they do not.

Examined by MR. CORBIN.

Q. How old was he? A. A man of about fifty.

Q. What was his full name? A. Merrick Martin.

Q. Had you dissolved your relations with him before he left? A. No, sir.

Q. Disappeared without your knowing the reasons why? A. Yes, sir.

Q. And without having made any settlement with you? A. Without having made any settlement with me or with anybody else, as far as I know.

Q. And you know nothing of his whereabouts since? A. I do not, sir.

Q. Did you find any other books or papers gone connected with his disappearance? A. No, sir; not that I have missed.

Examined by SENATOR SKIRM.

Q. Let me ask you this in connection with the book. Is there any special reason why Mr. Martin should have put this book out of the way? A. Well, not that I know of.

Q. Have you seen the book since Mr. Martin left? A. I don't think I have; not to my recollection.

Q. So that if there was anything there that Mr. Martin wished to conceal it would have been to his interest to suppress that book and put it aside, and you might not have had any knowledge of that fact? A. I have my suspicion, but I have no right to assert what I don't know, sir.

Q. Without entering into your private business, was there any special reason why Mr. Martin should have left your employ when he was engaged at a salary and commission? A. I know of none, sir.

Examined by MR. CORBIN.

Q. This book was in his custody as long as he remained with you? A. Yes, sir; at that time all the books are in his handwriting.

Q. Has anyone else had access to it who would have any motive to make way with it? A. No, sir; no one has had access to the books except Van Houten and I since he left.

Q. You had not discovered this was gone until I examined you? A. No, sir; I had not.

Mr. Corbin—I don't see what better we can do than to obtain a little opportunity to examine the books that are here; I think we ought to have an opportunity to make a brief examination, which will answer every purpose, showing what there is in the books.

Senator Ketcham—Mr. Kinnard desired to show you something that he had that he wanted to explain.

Witness—I don't know as it is worth while to take your time to undertake to explain against the statements made here this morning by the gentlemen who seem to have appraised this work I have done here.

Senator Skirm—Let me ask you a question. The counsel this morning for the Committee stated that you had charged for mixed paint at 15 cents a pound, and, as now proved by witnesses, that that included the other items of paint charged on your bill, and that it should have been included in the charge of mixed paint. Now, let me ask you, so as to get at the exact facts, and that is all this Committee want to do, whether the items of color that were charged on your bill were not used for decoration of this and other rooms which could not have been used in mixed paint?

Witness—That is what they were, pure and simple; the mixed paints were charged in as paints at fifteen cents a pound. Now, this item on this bill which this gentleman tells you is worth fifty cents a pound, there is Charles Moser's bill of \$11 a pound.

Q. You refer to this item of blue, I suppose? A. Yes, sir; and other colors in proportion; there it is, for \$11 a pound, and I paid that in cash.

Q. You mean to say this chrome yellow you put on without mixing? A. Yes, sir; I can show you some of it; there is lots of chrome yellow in those colors there, and there is in the court room.

Q. These blues and blacks put on without mixing? A. They are sometimes, different ingredients put together.

Q. Don't those same things go into mixed paints? A. Sometimes, but not in that case; they are decorative colors.

Q. Chinese blue; you use that in mixing? A. No, sir; not much.

Q. Yellow ochre, you use in mixing? A. Yes, sir.

Q. What you mean to say to us is this, in these tints, the trimming, there are certain of the paints, those tints that you use that you do not mix into mixed paint? A. Yes, sir; sometimes, but those colors are for decorating colors.

Q. Those colors would not amount to a ton or so in weight? A. No, I don't suppose they would, but there is a big discrepancy between fifty cents and \$11.

Q. I think, with regard to that one item, the witness was mistaken? A. I think he is mistaken in a good many things; this graining work was burned off with a spirit lamp before it was regained; now, that doesn't only mean double but triple and four times the labor what it would be under ordinary circumstances; now, how is a man to come here and judge as to the cost of it?

Q. If you will bring us the contract book? A. I am very much afraid I will not be able to find it, but I shall look again; I want to give this committee every chance to investigate me.

Q. Do you want to leave this bill of paints with the Committee? A. I would like to show it to the gentlemen who seem to know something about the decorative colors; I don't believe they know the first principle of the business or they wouldn't put the prices they did on this work.

Q. I will see that it is returned to you. Is there anything else you wish to volunteer before the Committee? A. Nothing else at this time as I know of.

THOMAS VAN HOUTEN, sworn.

Examined by MR. CORBIN.

Q. You are the bookkeeper of Kinnard & Co.? A. Yes, sir.

Q. For how long have you been their bookkeeper? A. Since last November.

Q. You are familiar, then, with these books that are before us? A. Yes, sir.

Q. Have you a book called your contract book, jobbing book? A. Well, we have one now; it started in about last September.

Q. When did you go with the firm? A. I have been there for sixteen years.

Q. Then you are familiar with the jobbing book which preceded that one? A. Yes, sir.

Q. Where is it? A. Where is the book?

Q. Yes. A. Well, that I can't say.

Q. Did you look for it? A. Yes, sir; looked last night for it.

Q. Where did you look? A. Looked all through where all our old books were.

Q. These last five or six months while you have been book-keeper have you had any occasion to refer to that book? A. The old book?

Q. No, this book? A. This book we are using.

Q. You still keep the same book in this same way as before? A. Yes, sir.

Q. Well, I see in your day book here many accounts have all the details set out just as you have explained to me the jobbing book has them. Why is it that you enter some of those in the day book and some only in the jobbing book? A. Yes, sir; I can't say why he done it when he was keeping them.

Q. And I see others have some details entered in full in the journal. What is the jobbing book for? A. The jobbing book was generally taking charge of what was done by contract.

Q. For the purpose of setting out various details? A. Yes, sir.

Q. That belonged in the jobbing book? A. Yes, sir.

Q. Do you still use the day book for that purpose? A. No, not the day book.

Q. You do it all in the jobbing book? A. Yes, sir.

Q. Then you have changed the practice of the firm in that respect? A. No; you see we refer—on the journal here charge like that, take and go right straight through; if it was a job it would be carried in the jobbing book.

Q. What do you mean by job? A. Where we make a contract for so much.

Q. The State work was treated as if it was contract work? A. Just the same as contract in that book or the jobbing book.

Q. As a matter of fact, you heard the testimony this morning that it was not contract. except a little of it? A. Yes, sir.

Q. But still it was carried into the jobbing book as if it was contract? A. Yes, sir.

A. If the work is done by contract, what is the object of carrying these details into the job book, and carrying them through your book? A. I can't say why he done that.

Q. If it were done by contract, you would charge it up in the

ledger one lump sum for the contract? A. That is the way he has been doing, I see at the bottom of it.

Q. Well, if you were doing work now for the State of New Jersey here at the Capitol without any contract about it, but charging for materials and charging for days' work, where would you enter it up? A. Enter it first on the day book.

Q. Wouldn't put it in the job book at all? A. No, sir; not if it wasn't a contract.

Q. But if it were a contract, you would keep a memorandum of it in the job book? A. Yes, sir.

Q. (By Senator Skirm)—For what purpose? A. That would be for the contract at the end, to see how near we would come out.

Q. A sort of a memorandum to show what the work cost you? A. Yes, sir.

Q. Wouldn't transfer the figures all in the ledger? A. No, sir; simply charge the contract price.

Q. You have been there a number of years; were you familiar with these books before you were bookkeeper? A. Yes, sir.

Q. Did you assist in them? A. No, sir.

Q. Make out bills? A. No, sir; he made out the bills himself; Mr. Martin did.

Q. Now look at this journal; I see page 493 and 494 taken up with the details of a bill to the State for \$1,191, covering a large number of items and covering two months time; where did those items come from; they run from November 7th, 1889, to January 8th, 1890; I thought you could tell me where those items came from? A. I couldn't tell where they came from.

Q. There seem to have been two pages reserved there for that, don't there? A. It goes right along to the date following.

Q. Thirty-first of December; then comes this memorandum to the State of New Jersey, reaching back to the 7th of November and up to the 8th of January; then begins on the next page again, 1st of January; it isn't in order; you see there has been two pages reserved for that, has there not? A. It isn't a daily journal entry.

Q. It is one entry made all at once, isn't it? A. Right there at once; yes, sir.

Q. Do you know anything about that, when it was done? A. I do not; no, sir.

Q. Prior to your becoming bookkeeper did you have any familiarity with the way the books were kept with regard to the State accounts? A. No, sir.

Q. Do you know where Mr. Martin is? A. I do not; no, sir.

Q. Would you know how to go to work to find him? A. I would not.

Q. His family live in Newark? . Yes, sir; his wife and daughter.

Q. Do you know of his having any other occupation but this painting business? A. That is all; that is the only trade I knew he had.

Q. Did you know he was going away? A. No, sir.

Q. You were surprised too? A. Yes, sir; I went to his house on Monday to see whether he was sick or not, and found he was gone.

Q. That was Saturday after election? A. No, sir; that was November 17.

Q. Will you make further search for that book and produce it before the Committee if you can find it? A. I will, yes, sir.

Q. Was there more than one job book? A. Only one.

Q. And you think one covered the entire period from 1890 to 1894? A. Yes, sir.

Mr. Corbin—I would like an opportunity to examine these books, and if we can get the other we can see what the books contain.

Senator Skirm—Do I understand you that you succeeded Mr. Martin as bookkeeper of this concern?

Witness—Yes, sir.

Senator Skirm—Any one in between you and Mr. Martin?

Witness—No, sir.

Mr. Corbin—It is hardly worth while to dwell further on these books without the other book being here. I had hoped we would have had these books, so as to have gotten more light from them, but I will suspend that now and draw the Committee's attention to the matter of ventilating and heating, and I mention it now that we may have a synopsis of what the evidence really is with respect to it upon the record.

The Committee will remember that there has been something offered with respect to it at two or three hearings. Mr. Moylan, the architect, testified, and his testimony was that no plans were made, so far as the architect was concerned, for either heating or ventilating the Assembly Chamber. Mr. Gouge, who was here to-day, has brought some plans which he says were plans made by him, and he has left them here for the inspection of the Committee.

The testimony of the architect was that the specifications were made from drawings and suggestions made by Mr. Gouge, the President of the Gouge Heating and Ventilating Company; that matter was taken in hand by the Governor solely; that the architect practically had nothing to do with it, and instructions were given and the work done under the direction of the Governor. No bids were received excepting the bid of the successful bidder, Mr. Gouge, and no direction was given by the architect as to where the pipes should go; that was also determined by the contractor or by the Governor, it is not known which.

Nothing is on file in the State House with respect to this except the contract put in before the Committee, which called for the ventilating and heating of the Assembly Chamber with all the appliances. That contract was for \$21,683, all of which has been paid. That contract was dated June 23d, 1891, and acknowledged before Leon Abbett, Jr., June 11th, 1891, and required the work to be entirely completed and in operation by October 1st, 1891, and it was said in the contract that the time is the essential essence of this contract; it was all to be done as directed by the Governor, and any alterations made by him were to be observed, and there was added an interlineation of this clause: "The State will pay the sum agreed upon, subject to the guarantee of the contractor that the work will perform the service required by the Governor for heating and ventilating the State Building."

Next appears on file a contract with the Victor Radiator Company, dated September 22d, 1891. That is eight days before the entire work was to be completed, you will observe; acknowledged the same day before Leon Abbett, Jr., Master in Chancery; by which the Victor Company agreed to furnish all the radiators necessary at 26 cents per square foot of radiating surface; the work to be delivered within one month after sizes should be given. Under that contract the Victor Radiator Company was paid \$1,505.40. The Gouge Company received its money under the contract in December, 1891, and February and May, 1892.

The next fiscal year, 1892, the Gouge Company put in an additional bill, dated back, however, to March 1st, 1892, for extra work said to have been performed

in November and December, 1891. This bill, amounting to \$2,708.33, was paid November 22d, 1892, or nearly a year later than the other. The total cost, therefore, of the heating and ventilating of the Assembly Chamber was \$25,896.73.

The heating and ventilating of the Senate Chamber was done by the same contractor, and there is nothing on file in the State House with reference to it except a bid from that company directed to the Governor in the form of a letter, and the Governor's acceptance on the foot of it, by which the Gouge Company agreed to heat and ventilate this Chamber, and the committee rooms, &c., for \$21,625, all of which was paid in December, 1892, and January, 1893.

The Gouge Company also rendered a bill May 8th, 1894, some two years after the work was done, for lumber and nails for staging used in the Senate Chamber and afterward sold to Superintendent Ford for \$135.68. That was paid on the approval of the Superintendent, Mr. Ford; the Treasurer, Mr. Swain, and Governor Werts. That bill was rendered May 8th, 1894, for staging used in March, 1892. They rendered another bill May 8th, 1894, for \$84 for felting risers in the old library building in March, 1892, or two years and two months after the work was done.

Senator Skirm—Who rendered this bill?

Mr. Corbin—Rendered by the Gouge Heating and Ventilating Company. That bill was also paid. The cost of heating and ventilating the Assembly side, therefore, is \$25,896.73; the Senate side, \$21,625, being a total of \$47,521.73, besides the extra bills which I have mentioned.

The testimony as to the present condition of the heating part of the work, as to its general character and efficiency, the Committee have already heard, and I need not now refer to it, but that is a summary of it.

I may say that, at the request of the Chairman, the president of the Gouge Company came here to-day and brought the plans which he had made of these chambers, with indications where these pipes are, but had nothing new to suggest or offer in the matter, and I therefore excused him from further attendance and have not offered him as a witness; he seemed to have nothing that has not been testified to by Mr. Moylan.

Senator Skirm—Is there any possibility of any more bills being rendered by the Gouge Company for extra work done?

Mr. Corbin—History repeats itself, sir.

Senator Skirm—I know that.

Chairman Voorhees—I don't think it will now, though we will have to have new radiators put in.

Senator Skirm—There is a guarantee on this; therefore they will replace them on their own cost.

Mr. Corbin—History will not repeat itself if that should be done.

These books I would like to have the Committee direct to be retained here for a time.

This matter of Mr. Kinnard's books has occupied less time than I supposed it would, and I hope at the next session to bring to a conclusion this particular line of inquiry with regard to the supplies and materials here at the State House. There are a number of matters of lesser importance which have come under my observation, but it seemed to me it would be wearisome to follow every possible lead that was suggested to us. Enough has been shown, or will be, to indicate what we have been trying to show. I suggest adjournment until some day in the coming week.

Chairman Voorhees—It is only fair to state, Mr. Kinnard, that you have freely brought the books here, that you have readily complied with the subpoena, but we would like the other book; you can readily see it is a matter of importance.

Mr. Kinnard—I only had notice at four o'clock yesterday afternoon, and the bookkeeper was out and didn't come in until six o'clock, and we worked quite faithfully and couldn't find it.

Chairman Voorhees—It is evident you have done all you could to help the Committee.

Mr. Corbin—If Mr. Kinnard can find it within a day or two and will send it to the Chairman or to myself, without waiting until next Friday, we would like to see it.

Adjourned until Friday, April 5th, 1895.

April 5th, 10 A. M., 1895.

HUGH KINNARD, recalled.

Examined by MR. CORBIN.

Q. Since the last meeting of the Committee have you succeeded in finding any trace of Mr. Merrick Martin? A. I have not, sir; no trace whatever.

Q. And can you not give the Committee some clue by which we can get in communication with him? A. I cannot; as I stated when I was here before I have no knowledge whatever as to his whereabouts.

Q. Have you had any communications from him by letter or otherwise since he disappeared in November? A. Never, sir; none whatever, in any way, shape or form.

Q. When you were last here you spoke of a book called the job book of your business which was then missing? A. Yes, sir.

Q. Is this book which you sent to me the book which you spoke of? A. Yes, sir.

Q. Look at this and see if this is the one. A. Yes, sir, that is the book.

Q. Does this book, together with the books which you before produced, compose all your books showing your accounts with the State? A. I believe they do, sir.

Q. There is nothing else in your possession showing any record of your transactions with the State? A. Nothing whatever, sir, to the best of my recollection.

Q. You produced time books here, three of them, which showed your labor account for these several years when you were doing business for the State; those are all the time books you had during that period? A. They are, sir.

Q. And they include your entire pay roll, do they? A. To the best of my recollection, yes, sir.

Q. Mr. Martin was on your pay roll? A. Yes, sir; he executed considerable work here; he done this graining, for instance.

Q. He was a partner in your business for a time, was he not? A. Yes, sir.

Q. And in 1888 that relation was dissolved, was it not? A. No, sir—yes, sir, it was dissolved, but a renewal of the agreement was made by which he was to work on a commission.

Q. Let us refer to your day book, page 401. A. Up to that time there was three of us in the concern.

Q. Let me read from your day book, page 401: "Newark, Monday, December 31st, 1888. Hugh Kinnard has this day bought the interest of Merrick Martin in this business. Hugh

Kinnard has bought Robert Caddock's interest in this business." That was a correct entry, was it? A. That was correct so far as that went.

Q. Now I observe that you had an account in your ledger with Mr. Merrick Martin, and he is also on your pay roll. This account and this pay roll show all the interest he had in your business, do they not, after that time? A. Well, no, sir; there was a verbal agreement, and he was in debt to me to the tune of 1,600 and odd dollars.

Q. To what effect was this verbal agreement? A. That he was to have so much of a salary, as I said when I was last here, and he was to have, after all the expenses were paid, a percentum on the profits of the business.

Q. And whatever percentum he did get on the profits was divided up at the end of the year? A. Yes, sir.

Q. That will appear in your books? A. I think it will; I wouldn't be positive.

Q. Well, any moneys that you paid him as a percentage of the profits would appear there charged to him, wouldn't they? A. I think so, sir.

Q. Did he draw at the end of the year profits after 1888? A. No, sir, because he was indebted to me to the tune of sixteen hundred and odd dollars.

Q. So that from that time to the present, as a matter of fact, he has not drawn anything more than his wages on the pay roll? A. Yes, sir, he did; he drew, I think, \$100 each year.

Q. In addition to what went against the \$1,600 indebtedness? A. Yes, sir.

Q. Was the \$1,600 entirely paid? A. No, sir, it was not, because we hadn't business sufficient to pay it.

Q. But the wages which he drew, and the \$100 per year, is all that he has drawn since 1888? A. Yes, sir, to the best of my recollection; he has drawn more, but I cannot show it, sir.

Q. It was all that he was entitled to draw? A. That was the arrangement, sir; that was the agreement which I had with him, that he was not to exceed that amount, in order to pay this back indebtedness.

Q. I show you your journal, December 31st, 1888, being page 308. This shows, does it not, the final settlement with Martin and Caddock? A. Yes, sir.

Q. In other words, you charged at that time, to Martin, \$1,589.18? A. With interest, which amounted to sixteen hundred and odd dollars.

Q. And credited yourself with the same amount? *A.* Yes, sir; that is my recollection, which I have got a note and can produce it; I have his note he gave me for that amount.

Q. The ledger, page 199, being the amount of Merrick Martin, that shows the same amount charged to him, does it not?

A. Yes, sir.

Q. And the account is balanced with the debt, is it not? *A.* Yes, sir.

Q. It appears there to make an exact balance without the note, does it not? *A.* But he gave me the note, and that is the way I made the balance; I accepted his note, because he had nothing else to offer me, sir.

Q. A similar settlement was made with Caddock the same day, on page 300? *A.* Yes, sir; any more than he received cash.

Q. Since that, you have had no partners in your business? *A.* No more than the conditions with Martin.

Q. He has had wages and drawn about a hundred dollars a year, and a certain share of the profits been credited on his note? *Yes, sir.*

Q. I show you "Exhibit 196," being your bill against the State, paid in January, 1891, for \$2,792.05. I find in your day book sundry items, making up part of this bill, from September 3d, 1890, to December 27th, 1890, which is the last date, I think, in the bill? *A.* That is right, sir.

Q. Now, refer to your ledger, page 298, and you will see on that same day, December 27th, 1890, that the account is footed in pencil at \$2,380.13. You observe that? *A.* I see that, sir.

Q. Now, on the same day, the 27th, there is added to that bill in your ledger \$411.95. What was that added for? *A.* I couldn't answer that, Mr. Corbin.

Q. Well, I see that your ledger refers to page 26 in some other book? *A.* It must have been some charge that was not carried. You understand we took account of work here sometimes ten days at a time, a week to ten days at a time.

Q. We will refer to page 26 in the journal. Now, Mr. Kinnard, I draw your attention to this, that from day to day from September until the end of December there is labor and material charged every day or two or every few days. *A.* Yes, sir.

Q. But on this 27th day of December on this journal, not entered in the day book or elsewhere, but on this journal is added to this bill 1,505 pounds of paint, 38 days labor, 7 days labor, and an item of two ladders, making up \$411.95. Where did you get those details from? *A.* Well, I will tell you, sir;

the best explanation I can give you that those goods—for instance, we bought material here in Trenton; we bought material in New York and elsewhere; we bought from the Mercer Oil Company; we bought material—

Q. (By Senator Skirm)—What did you buy of the Mercer Oil Company? *A.* We bought lead and colors and oil and turpentine, and they composed this paint.

Q. Well, you kept a time book, and I see a very accurate one, and your labor is charged up every day, and here at the end of the bill you charge forty-five days additional labor; where did you get that time? *A.* Well; Mr. Corbin, I couldn't tell you; Mr. Martin had full charge of those books, and I supposed he was an honorable man; I supposed he would keep them straight.

Q. I show you a bill for \$1,836.35, being a bill paid to you by the State in December, 1892—"Exhibit 197?" *A.* What was that for; does it state?

Q. Oh, yes. *A.* Yes, sir; I recognize that.

Q. I call your attention to your job book, page 189? *A.* That is, the job book that was missing, sir?

Q. Yes. *A.* Well, does it correspond?

Q. If you will look at page 189, you will find at the bottom the account figured out, \$1,359.54, do you not, and carried over in pencil to the next page in the same figures? *A.* Yes, sir.

Q. Well, now, do you see, right above those figures, some more pencil figures, \$379.81? *A.* Yes, sir.

Q. Without anything opposite them. You will observe that those are figured into the account to make it up to \$1,836.35, which the State paid. Where did that come from? *A.* I can't explain it any more than as I said a minute ago, that the supposition is that he—they were accounts that had been carried over, and were finally added into the account to make up the total amount.

Q. That bill, \$1,359, appears by your books to have been raised about 25 per cent. by the addition of that \$379; can you give any other explanation of it? *A.* I cannot, sir.

Q. The one that I previously called your attention to was also raised about 25 per cent. by this item. Have you any other explanation than what you have told me? *A.* I have not, sir; not in the least.

Q. I draw your attention to your day book, page 539, where there is a charge to "The Gouge Heating and Ventilating Company, of Trenton, blank pounds of paint and two days' labor," the same being charged in the same way in your journal, on page 368. I also draw your attention to your day book, page 540,

where there is a charge to "The Gouge Heating and Ventilating Company, Trenton," for three days' labor. I find no sums charged opposite these, although they are in your books charged to that Company; but I find them charged to the State, on page 189 of your job book, with Gouge Company opposite them, but with no sums opposite them. A. No, sir.

Q. But they are included, apparently, in your book in this raised bill? A. Yes, sir.

Q. Why did you bill work which was charged to the Gouge Company to the State of New Jersey? A. My memory is, sir, that the Gouge Company was to pay for—it was in this Senate Chamber, sir—those projection ventilators you see here, and afterwards it was decided by Mr. Ford, as I understood it, Mr. Gouge and the Governor, that those were not proper charges, and therefore they were carried over to the State.

Q. The State paid you instead of Gouge? A. Yes, sir; that is my recollection, sir.

Q. Look at "Exhibit 198," being a bill for \$2,916.78, which the State paid to you in January, 1893. A. Yes, sir.

Q. I find in your journal a great variety of items in November and December for labor and paint, posted into your job book at page 190? A. Yes, sir.

Q. And footed up therein at \$2,345.16, on the 7th day of January, 1893? A. Yes, sir.

Q. At the end of that I find added to this bill \$571.62, without any details. Can you tell me what that is for? A. Nothing more than my previous explanation, sir, that it was charges of material and labor furnished up to that date.

Q. Assume that that was so; why wouldn't it appear in your books? A. Well, I couldn't tell you, more than we carried those things along; the labor and material was not carried out every day nor every week.

Q. If you bought a ton of paint from the Mercer Oil Company wouldn't it appear somewhere in your books? A. It is fair to suppose it would, sir.

Q. (By Senator Skirm)—Did the Mercer Oil Company sell paint to you? A. Yes, sir.

Q. (By Senator Skirm)—The Mercer Oil Company? A. Yes, sir; they sold lead and oil and colors to me, sir.

Q. How can it be that so large an item as \$571 put under the head of merchandise, &c., could first appear in your ledger without any details in any other book, and that in the face of the fact that you did charge the State for oil and for labor day by day for

two months preceding. *A.* It was not charged; I beg your pardon.

Q. (By Senator Skirm)—Allow me to ask you there, where does this charge first appear, in the journal or in the ledger?

Mr. Corbin—It appears on page 190, of the job book, which is nothing but a ledger; it is a ledger account with the jobs; that is all it is. On the last day when the bill is made there is an item put in the ledger, \$571.

Senator Skirm—Where else does that appear besides?

Mr. Corbin—Nowhere else; this item does not appear in the day book, and does not appear in the journal, neither one.

Q. In respect to this bill, I find that you have charged the State 3,810 pounds of paint; I find that in your books there is exactly 2,710 pounds of paint charged day by day, or that there is a difference of exactly 1,100 pounds; I find that in your bill you have charged the State 539 days of labor. In your books there is a charge of 449 days of labor, or exactly 90 days less. How does your ledger happen to contain 90 days more labor and 1,100 pounds more paint? *A.* I couldn't answer that, *Mr. Corbin*; I left this, as I said to you when I was here before, that I left this matter entirely to my bookkeeper, and I supposed that he was doing the honorable, right thing.

Q. (By Senator Skirm)—You had the supervision of your books, did you not? *A.* Yes, sir; but for the last twenty years I had not assumed to have that supervision; there is, maybe, where I have been lacking in not looking over those matters.

Q. In connection with this same bill I want to call your attention to a smaller matter; your job book, page 190, shows, does it not, an item of \$68 under date of November 23d, 1892? *A.* Yes, sir.

Q. Which was added into the previous bill of which I spoke to you, of \$1,836; is that correct? *A.* It would seem so there, sir.

Q. And that is brought from your journal, page 372, isn't it? *A.* I see it is.

Q. Now, the very next item below that, on the 24th day of November, is \$18.48, is it not? *A.* I see it is; yes, sir.

Q. And that is added into the bill which we now have under discussion? *A.* Yes, sir; I see it is carried in.

Q. And that is also transferred from page 372 of your journal; refer to page 372 of the journal, and you find, do you not, three items of \$18.48, \$36 and \$14, all footed up at \$68.48, do you not? *A.* Yes, sir.

Q. And that item is transferred to this job book as \$68, and then the item \$18.48 is again transferred in that bill and again paid by the State, isn't it? A. Well, I think that is an error.

Q. Yes, it seems to be an error. A. It would appear there, but, of course, I cannot explain it.

Q. I am drawing your attention to give you an opportunity to do so. A. You see this is a matter of three or four years ago; a week ago last Wednesday you called my attention to the fact that you wanted those books and I have had no opportunity to look over those to prepare myself to make any explanation; my bookkeeper is not here, or my partner, and I am unfortunately—

Q. You shall have all the opportunity after the examination that you desire to make any further explanation. Refer for a moment to the bill we had up before. Have you any account with the Mercer Oil Company on your books? A. I don't know that I have. Oh, yes, I must have.

Q. If you have, will it appear in this ledger? A. I think it will, sir; I am only guessing; I cannot say. I certainly think there must be an account there; I know we bought goods from them and we paid them money for them.

Q. Refer to your journal, page 379, date December 10th, 1892, State House job, expenses to date, \$61.19; entered also in your job book, page 190. It is footed in with other items and entered there? A. Yes, sir.

Q. And also in your book as expenses to date, not charged? A. Well, you see—

Q. What did that mean? A. It meant that charges were carried along, I presume.

Q. Traveling expenses? A. Yes, sir; I was in the habit of coming here twice or three times a week to superintend this work.

Q. It was your traveling expenses to and from Trenton? A. Yes, sir; our men boarded here.

Q. Look at the same page in job-book, 190; at page 381 of the journal, and there is a similar charge of expenses to Trenton, \$5.63; that is similar? A. I think so; yes, sir.

Q. Look at another charge in the journal, on page, 384, which you will also find in the day book and job book, an item of \$16.64 expenses; that is also for traveling? A. That is my recollection, sir.

Q. Look also at page 385, an item of expenses, \$40.62; that is for the same? A. That is the way I think I transferred the men here; paid their fare out here and back.

Q. Now, then, the items amount to \$124.08 for traveling? *A.* Yes, sir.

Q. They are charged in your job book, day book and journal to the State as expenses to Trenton, and as expenses simply. You considered those a proper charge against the State? *A.* Why not, sir?

Q. I am asking you. *A.* Certainly I do, sir. Our custom is, sir, whenever we go out of town to work our expenses are paid invariably.

Q. Well, if you considered that a proper charge against the State why did you not enter them in your bill? *A.* Well, you have got me, sir.

Q. If they were a proper charge against the State why did you enter them in your bill not as expenses, but cover them up under the head of pounds of paint and days of labor, as you did? *A.* Were they covered up in that way?

Q. Yes. I will show you. *A.* Well, that was my bookkeeper's fault, is the only explanation I can give; he ought to have showed them straight.

Q. I show you bill against the State of \$258 paid in January, 1893, being "Exhibit 199." *A.* Yes, sir.

Q. On the job book, page 190, you find an item charged to the State, \$100.72, do you not? *A.* Yes, sir.

Q. And another one right before of \$157.28? *A.* Yes, sir.

Q. Those two making up \$258? *A.* Yes, sir.

Q. Now, if you will refer to your day book and journal you will find that all the items charged to the State, paint, labor, &c., amount to \$100.72, and no more, and that this \$157 which raises the bill is simply forced into the ledger. Can you explain that? *A.* Wasn't that for picture molding?

Q. No, it wasn't. It is in your journal as an item forced in here between the lines; the paint and labor, \$158. *A.* You see, I have not had a chance to look at them—I see there is—

Q. So that that bill was raised from \$100 to \$258 by your bookkeeper, was it? *A.* It would appear so there, sir.

Mr. Corbin—The books show clearly that the true amount of this bill, if anything, is \$100.72; all the items of labor and materials clearly appear. When it comes to be transferred to the journal and ledger there is interlined an item of \$157.28, which raises it to \$258.

Senator Skirm—Simply charged as labor?

Mr. Corbin—Labor and paint.

Witness—Couldn't he put that in there on the strength of items that had not been charged up to that time?

Q. I should be glad to have any suggestion from you to explain it? *A.* I can't explain it.

Q. Isn't it incapable of explanation from these books? *A.* Well, it would seem so, sir, but then at the same time the question is one that his position—he had so little interest at stake; I want to say, gentlemen, that I can't think that he meant to do such crooked work as this would show up; I want to say in justice to him that I cannot think that he would want to do such crooked work as this.

Q. Particularly when you got the checks for all the money? *A.* Very true; but I never advocated his doing anything of this kind, and I don't want to be considered as capable of doing anything of that kind.

Mr. Corbin—In this same connection, this bill is incorrectly made up even at \$100.72. The traveling expenses of Mr. Kinnard are charged at \$11.08, even to make up the one hundred dollars, but they disappear from the bill and appear there as paint and labor: it is covered up as labor and other items, and there is nothing said in the bill, although it is on the book added, as I said. Now, to show the recklessnees of the thing still further; it appears that this item of expense to Trenton of \$14.93, in the cash book, is charged to the State at \$11.09, and in the day book is charged to the State at \$8.09; you can take your choice. None of them appear in the bill which the State finally got and paid, \$11.09 is footed into the bill which the State paid.

Senator Skirm—As paint?

Mr. Corbin—Paint and labor.

Q. I show you bill against the State for \$4,262.41, paid in January, 1894. The State paid a bill from July 10th to December 30th, 1893; you received the check for that? *A.* Yes, sir.

Q. I see the amount is credited to the State in your cash book, page 44? *A.* Yes, sir.

Q. You having received it on January 11th, 1894? *A.* Yes, sir.

Q. It was also credited in your ledger, at page 299. On the same date your ledger shows that this amount was made up by the balance from the former accounts, \$47 to merchandise: December 30th, 1893, \$4,215.41; total, \$4,262.41, and it refers us to page 495 of your journal, which has the same entry. Your day book, Mr. Kinnard, has nothing on this subject, although this is the largest bill you ever rendered to the State. Your job book also has nothing at all on the subject. This bill shows

charges for over \$3,000 worth of labor and over two tons of paint, and you have produced no book that gives a single detail of any of it. Where is the record? A. All the records I have is here.

Q. The first entry that appears in your book is an item for the entire \$4,215 in your journal, paint and labor; how could you make up the odd \$15.41 without having something to do it from? A. I couldn't answer that question.

Q. Were you aware that that most important job which you ever did for the State was not recorded in your books? A. I was not, sir.

Q. Not aware of it until now? A. No, sir.

Q. Do you mean to say that 769 days of labor were done for the State, and over two tons of paint furnished, and not a scratch of pen put in your books, the work going on over five months, and that all escaped your attention? A. It certainly didn't escape my attention, but I was not aware as to what the charges were.

Q. Did it escape your attention that no entry had ever been made of it in your books? A. It was in some of the books.

Q. After the work was done, on December 30th, one single item of the 4,000 and odd dollars; nothing but that; how do you account for it? A. Well, I can't account for it, any more than his mode of keeping books.

Q. Were you not singularly interested as to this important job? A. It is possible, sir.

Q. Didn't you have some memorandum on some sheet of paper? A. We had sometimes, but those have disappeared; the men kept memorandums of the work at the time.

Q. Some pass-book, or something of that kind? A. Yes, sir.

Q. Where are those? A. I can't answer, sir: I have failed to find them.

Q. In the year of grace 1893 that was the most important job you did? A. I think it was.

Q. By far? A. Yes, sir.

Q. And yet no entry of it is made to appear on your books? A. It seems not.

Q. Who kept these sheets of your time, Martin? A. They were rendered to him by the men, and he kept them and charged them on the books.

Q. Where he was making entries daily in his day book, journal, ledger, cash book, check book and job book, how is it that this most important job for the State of New Jersey should escape entry? A. I couldn't answer.

Q. Didn't you understand at the time that it was not to be entered on the books? A. I did not, no, sir.

Q. Do you mean that this fact is called to your attention now for the first time? A. I mean to say it is, yes, sir, for the first time.

Q. Now, I desire to go over these bills again with you with a little different purpose; and, first, I show you Comptroller's voucher 1041, being "Exhibit 195," and being your bill paid January, 1890, for \$1,191.01. A. Yes, sir.

Q. You received the check which you identified? A. I did, sir.

Q. And you deposited it, as your bank book shows, on January 31st, 1890? A. Yes, sir.

Q. Here is the entry in your stub book? A. Yes, sir.

Q. On the next day, February 1st, 1890, I find you drew a check—No. 17—and entered this on the stub: "To Hugh Kinnard, to repay loan, \$400, and deduction on work at capitol, \$100." A. Yes, sir.

Q. The \$400 repaid the loan which appears in your cash book before? A. Yes, sir.

Q. Who got the \$100? A. I got it.

Q. What did you do with it? A. I put it in my pocket.

Q. Why did you deduct \$100 for the work at Trenton? A. I don't—when I made my arrangement with Mr. Martin it was with the understanding that he was to take complete charge of the work, and of the business as well as the books of the business, and I deducted it on that account.

Q. I don't see the force of that reasoning. Why did you deduct \$100 from the State's bill? A. That was my position, sir; I done it, as I thought, a matter of right; I had superintended the work.

Q. You told us the other day that Martin had all to do with the superintending of this work. A. I beg your pardon.

Q. Didn't you? A. I don't remember.

Q. You said you came down here two or three times a week? A. Yes, sir.

Q. But didn't you say he came too? A. He came here and done the graining work.

Q. I don't understand why you drew the check to yourself for \$100, and marked in your book "deduction on State House job." A. I done it because I felt that I was entitled to it.

Q. Does deduction mean in the State House job that all this money belonged to you? A. No, sir; I was to give Martin for a certain consideration, after he had had a certain consideration in the business, I was to give him a certain percentage of the rest.

Q. Refer to the partnership? *A.* Yes, sir; I don't cover nothing.

Q. You have not made it plain to me. In your cash book, page 41, you enter "State House deduction, \$100." *A.* Yes, sir.

Q. What do you mean by deduction; the State didn't get the benefit of any deduction? *A.* No, sir, but I did.

Q. You were the proprietor of the business. *A.* I know I was, but the agreement was that he was to have a certain interest in the business outside of my arrangements with him.

Q. Did you take a deduction of all the money that came in from your customers? *A.* No, sir; but I give my personal supervision to this work.

Q. Let it be so. Didn't you give your personal supervision to other work? *A.* No, sir.

Q. Nothing but this? *A.* No, sir; not generally I didn't.

Q. Do you mean to say you had some special arrangement in regard to this? *A.* When we took the work I said to Martin: "I will superintend the work, but I am to have 10 per cent."

Q. Then why didn't you take \$119.10? *A.* Well, I will tell you why; I didn't, because you will find a charge to Mr. Ford there; I think that—

Q. What Mr. Ford is that? *A.* Mr. B. J. Ford, Superintendent of the Capitol—which took off some work done at the St. Mary's Academy, and some shades he got, which made the difference.

Q. At this time? *A.* Yes, sir.

Q. I guess you have got ahead of your story? *A.* Possibly; it is possible, sir.

Q. This is January, 1890, we are talking about now. *A.* Well, sir, I think there was a deduction there of nineteen dollars and some cents.

Q. Now, I find this cash which you drew; I find this money was not entered in the journal or ledger? *A.* No, sir; I pocketed the proceeds.

Q. But why didn't you enter it up to yourself, as you did other moneys you drew? *A.* I can't tell, any more than it was our habit and mode of doing business.

Q. You entered some of the money you drew and some of the money you drew you didn't enter? *A.* I don't know how that could be.

Q. It is so as a matter of fact; you see your account in the books, your personal account? *A.* I kept an account of what I drew for regular expenses, but not for what I received for my services.

Q. Now, those credits which you give to Ford and St. Mary's School, and so on, were more than a year after the date I am talking about? A. It is possible.

Q. Your books show it? A. But I don't think 1891 was.

Q. I am speaking of January, 1890. The first time the State paid you a bill, then they paid you \$1,191, and if you are entitled to 10 per cent. out of that why didn't you take it, why did you take simply \$100? A. My recollection is I did, but I may be mistaken.

Q. I show you Comptroller's voucher No. 769, being a bill paid to you by the State January 21st, 1891, for \$2,792.05. You appear to have deposited the check the same day, January 21st, 1891? A. Yes, sir.

Q. And on the same day you drew a check, No. 223, and entered this on the margin: "January 21, 1891, by deduction on State House, \$250," and the check is to the order of (blank). That is is the check, isn't it? A. Yes, sir; that is it.

Q. It was cashed? A. It was; I received the money.

Q. You transferred that to your cash book on page 65. Will you kindly read me that entry? A. "State for S, \$250."

Q. What is this that has been erased with a knife right after the S? A. Well, that I don't understand, sir.

Q. You see that first word is "State;" what is that first word? A. "Stor for S."

Q. Well, which will you have it, "Stor" or "State"? A. I will have it "stor," sir.

Q. Is it "stor" or "ston," with an abbreviation? A. Well, it is in Mr. Martin's writing.

Q. What has been erased after the S? A. I don't know; I couldn't say, sir, as to that, what has been erased.

Q. Take your own interpretation of it. "Stor for S." What does it mean? A. Well, I couldn't say, sir.

Q. You don't know? A. I do not.

Examined by SENATOR SKIRM.

Q. Don't you know what that entry means? A. I do not.

Q. And you having control of your business, and enter \$250, you say here you don't know what that means? A. I say I don't, sir; I say that there is "Stor for S."

Q. But don't you know what became of the \$250? A. I got the money, sir.

Q. You did? A. Yes, sir; personally.

Q. Didn't you get all the money that came from the State into your business? A. It is true, I did; but understand, this man

had an interest in this thing, so far as a certain commission was concerned, and I took this before he got his.

Q. I want to know now, then, what the commission that you paid to your bookkeeper was; what was the private understanding with you and he, the verbal understanding of the commission that you should pay him at the close of the year? *A.* Ten per cent.

Q. Ten per cent. of the net profits of the business? *A.* Yes, sir.

Q. What did that amount to, about? *A.* I couldn't answer that just now; oh, well, it would amount to probably three or four hundred dollars, but, understand, he owed me \$1,600.

Q. But it was not a large amount? *A.* I can't say.

Q. Did you at the end of the year make up your account so as to know how much commission was due Mr. Martin? *A.* Well, he did.

Q. But you certainly had the superintending of your business? *A.* Senator, I left this matter entirely to him: he had the complete control of my books and my accounts; he had been with me almost twenty years, would be if he had staid with me until this month, and I had the most explicit confidence in him, and I took what he said to be correct.

Q. And, therefore, you thought that you would get your commission of ten per cent. out of this State House work so that he would have it only on the net amount afterwards, after deducting the ten per cent.? *A.* Yes, sir, that was the idea precisely.

Examined by MR. CORBIN.

Q. Isn't the letter which has been erased there with the knife an "H," and wasn't it "S. H.," for State House, originally? *A.* It is possible, certainly; I think it is possible.

Q. What did "Ston" mean, or "Stor"? Can't you give us some clue to that? *A.* I don't know that I can.

Q. What did you do with the \$250? *A.* I put it in my pocket.

Q. After you took it out of your pocket, what did you do with it then? *A.* My recollection is I paid it to the Mutual Benefit for interest I owed them.

Q. Didn't you do that by check, a man that keeps a set of books like you? *A.* Not always; I always keep certain cash on hand; I have got to-day probably a couple of hundred dollars in my safe; you will find that invariably if you will take my book.

Q. I show you the stub of a check here, December 31st, 1890, check to Hugh Kinnard for six months' rent of store, \$400, and horse bought of Barney, \$265. *A.* Baney; we have a horse dealer in Newark by the name of Baney.

Q. You bought the horse of him, did you? A. Yes, sir.

Chairman Voorhees—If Mr. Kinnard was entitled to 10 per cent., why didn't he charge \$279 instead of \$250?

Q. This bill was \$2,792.05; if you were drawing a check and entering in the stub, "deduction on State House account," why wasn't that check \$279? A. Well, that is a question I couldn't answer.

Q. Why did you throw away \$29 of it? A. I couldn't tell you, sir, unless it was that the amount was made out for that amount; I took my bookkeeper's statement.

Q. Didn't you make that erasure yourself in that book? A. No, sir; I didn't; I see it has been erased, but I didn't know it.

Q. When did you first observe the erasure? A. Now, sir.

Q. You went over these books some, after I summoned you to bring them; did you not see it then? A. No, sir, I didn't.

Q. You saw some of the stubs, did you not? A. I didn't have no opportunity.

Q. But you did look over the stub book after I summoned you, didn't you? A. I did, to some little extent; what time I had I was looking for this small journal.

Q. Did you observe some erasures that have been made there? A. I did not.

Senator Skirm—I didn't understand Mr. Kinnard to say why he didn't draw his check; if he was so particular and precise in getting 10 per cent. out of this, why didn't he draw his check for \$279.52? I didn't understand your answer.

Witness—My answer was simply that I took the amount my bookkeeper gave me and said nothing, supposing that was right.

Q. Now, you gave us an answer a few minutes ago which may help to clear this up. When we were talking about the bill of January, 1890, you said there was some items I would find here where you had credited Mr. B. J. Ford with some things he owed you—that was this time; it wasn't 1890. A. I haven't had an opportunity to go through these accounts.

Q. Refer to your journal on this same 21st of January, 1891, page 35, and you will see this item: "B. J. Ford, by deduction, \$16.33." A. That was for shades; that was the point I made.

Q. Now, if you will look at your journal you will find you posted that in two places, page 661 in your ledger and page 268 in your ledger, and you will find you have got two accounts with Mr. Ford, one of them is for shades, page 18 of the ledger. Page 18 of the ledger is an item of sundry accounts where you charge

Mr. Ford for shades, \$14.95. The heading at the top is "Sundry Account?" A. Yes, sir.

Q. You credited him with \$14.95 on that account, which balanced it. Now, if you will refer to page 661 of the ledger you will find that you had a little account against Mr. Ford of only \$1.38 and that you passed to his credit \$1.38. You balanced that also and credited to Mr. Ford on that day \$16.33. Add that to the \$250 makes \$266.33, which is a little nearer to the 10 per cent., but isn't yet quite up to it. Why, when I was asking you about this, did you connect Mr. Ford's name with it—what had he to do with getting this money from the State? A. Mr. Ford didn't have anything to do with it, but Mr. Ford had patronized us to that extent and we felt like making a condition, and as I was to have 10 per cent. on the business transaction, and I, of course, deducted that; I assumed to do that, and that was the way my partner figured it up.

Q. So that you got the \$250 in cash, which you put on your book, and you credited Mr. Ford \$16.33 on account of good friendship he had shown you? A. Yes, sir.

Q. Don't you think that was pretty small and mean, to give him no more than that? A. He had never asked me for any more.

Examined by SENATOR SKIRM.

Q. You don't suppose this Committee credit that statement, do you, that that is all the money you paid Mr. Ford, with the expensive charges here? A. I paid him later.

Q. How much did you pay him later? A. I paid him on St. Mary's Academy some forty odd dollars.

Q. That with Mr. Ford would amount to a very small amount in handling the thousands of dollars that you did here; do I understand you had two partners at this time? A. No, sir.

Q. And you had the profit of the business, except the small commission that you paid to Mr. Martin? A. Yes, sir.

Q. Then isn't it rather singular—did you draw any other money at that time for commission? A. No, sir; it is the only job, because I assumed to personally superintend this.

Q. Didn't you superintend other work? A. No, sir.

Q. But you had the supervision of your business? A. Well—

Q. You gave your time and attention to that? A. I saw fit to assume it; my health had been such that I had not been in condition to superintend it personally, and when this work come along, I agreed personally to superintend it.

Q. You were getting all the profits except the ten per cent. you gave Mr. Martin? *A.* Yes, sir.

Q. And yet you thought you ought to get that ten per cent., so as to prevent Martin from getting ten per cent. on the few hundred dollars? *A.* That was it, sir.

Q. Which would amount possibly to \$40 or \$50? *A.* It would amount to more than that.

Examined by MR. CORBIN.

Q. Mr. Ford got only \$16.33; didn't somebody else get some of this \$250? *A.* No, sir.

Q. Nobody but Ford interested in it? *A.* No, sir.

Q. You and Ford were the only persons interested in the job? *A.* That was all, sir; not a soul got a single cent; that is correct, sir.

Q. I show you Comptroller's voucher No. 596, which was the bill to the State paid to you December 31st, 1892, for \$1,836.35, and you deposited the check the same day? *A.* Yes, sir.

Q. Look also at Comptroller's voucher No. 809, which was paid to you a few days later, January 18th, 1893, for \$2,116.78, which you deposited January 19th, 1893, and add these two together, and they amount to \$4,753.13. Now, two days after you deposited that check, to wit, on January 21st, 1893, you drew a check, No. 355, which was drawn to the order of (blank), and was for wages and other expenses, \$500? *A.* Yes, sir.

Q. With a knife erasure underneath. Can you say what has been erased with a knife under that? *A.* No, sir, I cannot; won't the check show?

Q. That is the check, isn't it? *A.* That is the check, yes, sir, \$500.

Q. Do you know what has been erased on that stub? *A.* No, sir; I do not.

Chairman Voorhees—Have you examined the stubs to discover whether or not erasures occur under any other checks?

Mr. Corbin—I have not observed any others but those to which I have called attention or shall call attention: there are only three or four in all.

Q. (By Chairman Voorhees)—Did the wicked partner do that, do you know, Mr. Kinnard? *A.* I wouldn't want to say.

Chairman Voorhees—It is funny how these blots get right here on these particular checks, isn't it?

Q. The stub says that the check is for wages and other expenses. By referring to your cash book, and also to your time book,

I see that your wages of that week were \$59.80, and that you so charged it, and you have also the same day charged up on the cash account, "Expenses on State work, \$450." A. Yes, sir.

Q. Which is a little shy of 10 per cent. of that bill. What did you do with that? A. Why, I pocketed the proceeds and used it for my own personal benefit, sir.

Q. (By Chairman Voorhees)—Why should that be entered "wages and expenses?" Why should that have been entered that way, and yet you drew the money and put it in your own pocket, as you say? A. A certain portion of it was paid out for wages and a certain portion paid to me for my personal expenses, and so on.

Q. When you say expense on State House work, what do you mean by expenses? You say it comes to you? A. I mean my commission of 10 per cent.

Q. Before you called it "deduction," now you call it "expenditures," but you have explained it as being your own personal first profit on the work. Why did you hide it under such entries?

A. I couldn't answer that, unless my partner put it in that shape.

Q. Let me refresh your memory. If you look at your journal, page 389, on this same day you will find this entry: "January 21, 1893. Bernard J. Ford, credit by deduction, \$46.38." A. Yes, sir.

Q. Well, it is right along side of the other? A. Yes, sir.

Q. Done the same day that you got your money from the State? A. Yes, sir.

Q. Doesn't that recall something to your mind; might not some of your expenditure been in connection with Ford? A. Yes, sir.

Q. How much of that \$450 did you give him? A. That forty odd dollars was a deduction; he went to my partner Martin and asked him, I think it was in the month of November, to go there and see about certain work that he wanted done, and he went and done the work, and that was the amount it cost; and he later said to me that he would like to have him make a deduction of the work, that he proposed to give it to the sisters for charity, and I said to Martin, "Make the credit and deduction to him."

Q. How much is your recollection that you did in the way of charity for St. Mary's Academy? A. It would amount to forty odd dollars.

Q. Now look at your book and observe that it is only \$5.25, and that the rest is Bernard J. Ford's private account? A. My understanding was that it was \$41.13.

Q. That is your ledger, page 572? A. Yes, sir.

Q. In truth, it is all charged to Bernard J. Ford? *A.* Yes, sir.

Q. And one item of St. Mary's Academy, \$5.25, is added to the account, isn't it? *A.* It would show so there, but that was my understanding, that that was the amount that was deducted.

Q. How did it happen that you credited Mr. Ford the full amount of his account and canceled his account on the very day when you got this sum of four thousand and odd dollars from the State? *A.* In order to settle our books.

Q. But what connection has the charity to Mr. Ford and your good feeling to him with the payment of money to you by the State? *A.* Well, it had just that, that Martin called my attention to it, and I said, "Well, make that deduction," and the result was the two accounts were settled up the same day.

Q. But on both of these occasions, when you made deductions on Ford's bills, or, rather, canceled his bills, it so happened that was the very day you got money from the State? *A.* Yes, sir.

Q. Did the getting of money from the State remind you of this? *A.* Yes, sir; Martin called my attention—

Q. You connected the two things together? *A.* Yes, sir; Martin called my attention to it and we there closed it out, in order to settle the whole matter.

Q. So that getting the \$4,000 from the State and deducting this 10 per cent. in the check to (blank), and the canceling of Ford's bills, in your mind was one affair? *A.* Yes, sir.

Q. (By Senator Skirm)—Naturally so? *A.* Yes, sir; that was the idea, in order to settle our books.

Q. Were there any occasions when you passed money to Ford's credit to balance his bills on days when you didn't get money from the State? *A.* Not that I know of; I don't think of any.

Mr. Corbin—Here is a part of the entry of this cash transaction. On page 29 of the cash book the check was for \$500; it was transferred to the cash book as \$450 for expenses on State work, and wages, \$59.20, which is correct; but you will observe the word "wages" is written over an erasure, the bookkeeper evidently being absent-minded at the time; you will see a capital F there very plainly, which has been erased with a knife, but still appears—capital F with quotation marks.

Q. Were there any other donations made to St. Mary's Academy, or any other institution, by you at Mr. Ford's request, similar to this? *A.* No, sir; not to my recollection.

Q. Did you contribute to any cause at his request? *A.* Well, I think I gave once or twice ten dollars for charity purposes for

different arrangements which he spoke to me about, but I couldn't say now just what it was.

Q. Did you contribute to any patriotic purpose or political purpose at his request? *A.* No, sir, I didn't, never.

Q. So that with the exception of those items you have stated, nobody was interested in these contracts except you and Mr. Ford?

Mr. Corbin—I draw the attention of the Committee to the fact that these cash items, like the others, do not appear in the journal or ledger.

Q. I now show you Comptroller's voucher 917, which was the bill paid to you by the State, January 26, 1893, for \$258; also Comptroller's voucher 2,890, bill paid to you June 14, 1893, \$208.35; also Comptroller's voucher 3,249, being bill paid to you July 11, 1893, for \$319.25, for all of which you received checks and deposited them. These three little bills in the year 1893 amount to some \$780. I draw your attention to your cash book, page 45, under date of December 30, 1893, that was the day, Mr. Kinnard, which is stated in your book, bill of four thousand and odd dollars, as being the last day when work was done? *A.* Yes, sir.

Q. Observe in your cash book on that day a charge for expenses to Trenton, \$2.60. You doubtless went to Trenton that day, did you not? *A.* It is likely, sir.

Q. And made out your large bill for four thousand and odd dollars? *A.* Yes, sir.

Q. Right below it I see an item of wages, \$135.75, which is correct according to your time book; you paid the wages that day, doubtless, didn't you? *A.* It is likely.

Q. You had quite a large number of men finishing up the work here at that time, did you not? *A.* Yes, sir.

Q. To get ready for the Legislature. *A.* Yes, sir.

Q. And you finished it that day? *A.* Yes, sir.

Q. And the next item right under it, I observe, is expense, &c., \$250? *A.* Yes, sir.

Q. Those three items, evidently, are all written at the same time? *A.* Yes, sir.

Q. Who got the \$250? *A.* I take it that was expense that had accumulated in connection with the work up to that time.

Q. I call your attention to the fact that that day you drew a check for \$350 for wages? *A.* Yes, sir.

Q. Which was paid; which would about pay your pay roll, and the \$250? *A.* Yes, sir.

Q. That \$250 doesn't appear anywhere in your journal or ledger. To whom did you give that money? *A.* I couldn't answer, sir.

Q. Don't you remember? *A.* I do not.

Q. Isn't it extraordinary that it should not be charged to anybody? *A.* Well, I don't know but what it is, but my recollection is it was either expended for wages or else went to my personal benefit.

Q. Look at the check which you drew in the morning of December —, 1893, for \$350? *A.* Yes, sir.

Q. Of course you knew your pay rolls were not that amount; you knew they were running about a hundred dollars a week; and you came down to Trenton that day, as your books show, and you paid \$135 wages. To whom did you give \$250 expenses? *A.* I couldn't answer that; I don't believe I gave it to anybody; I believe I was sick at that time; I believe I was on my back.

Q. You didn't let \$250 in cash get away from you without knowing where it went? *A.* No, it isn't likely I did.

Q. Why didn't it go to some of your ledger accounts? *A.* That I couldn't answer.

Q. Who do you think came down if you were sick? *A.* I think Mr. Martin.

Q. Do you think he brought down the \$250; you must have known the purpose of it? *A.* I don't know that I did; I have no doubt that I signed the check.

Q. I show you again the large bill for \$4,262.41. *A.* Yes, sir.

Q. Your check in payment of that you deposited January 12th, 1894, and the same day you drew a check for \$508, and entered on the stub check "1294, expenses, &c., to State House job, \$426, to January 1st, 1894;" now, that was 10 per cent.? *A.* That was.

Q. Lacking a few pennies. Mr. Kinnard, that check is drawn to blank; who got the money? *A.* I got it.

A. Why didn't you draw it to Hugh Kinnard? *A.* Well, now, I couldn't answer that, sir; I got those checks and used the money.

Q. You can't tell any reason why that was drawn in blank? *A.* I cannot, sir, any more than that was our custom.

Q. With these checks it was your custom? *A.* Yes, sir.

Q. But not with anybody else? *A.* No, sir; very true, but—

Q. There are checks here drawn to your order and endorsed by you? *A.* Yes, sir.

Q. Why wasn't that drawn to your order, and why didn't you endorse it if it went to you personally? *A.* That is a question I could not answer.

Q. That is signed H. Kinnard & Co.? A. Yes, sir.

Q. Your firm? A. Yes, sir.

Q. Wouldn't good business require that it go to the account of the man who got it personally? A. It would seem so.

Q. Isn't it so? A. No, I can't say it is; it was simply our custom of doing business.

Q. With these particular State House checks? A. Yes, sir.

Q. Not with any others? A. I guess you will find others; I guess if you will go through my books you will find others; I guess you will find I have got accounts there wherein I have carried over from one to two and three or four hundred dollars, on the pay roll for instance.

Q. Your books show that you carry two or three or four hundred dollars in cash in the drawer? A. Yes, sir.

Q. But this money, you tell us, was for 10 per cent. of this State House bill? A. Yes, sir.

Q. And that it went to you personally? A. Yes, sir.

Q. And you wanted to get it out before Martin got his share? A. Yes, sir.

Q. Why in the name of common sense wasn't it drawn to you? A. It was simply our custom and mode and manner of doing business; that is the only way I could answer you.

Q. Was it by your direction it was drawn in that form? A. I wouldn't say it was or was not; that was my recollection; it was simply a custom we had of doing it.

Q. What did you do with the \$426? A. Well, I can't answer that question just now; the supposition is, I paid it out in various ways.

Q. My supposition would be that you gave it to "Barney" Ford? A. Mr. Corbin, I say to you positively and emphatically, that I never gave Mr. Ford a dollar over and above what I have here stated.

Q. (By Chairman Voorhees)—Did any one else do it for you? A. I couldn't say, sir, as to that.

Senator Skirm—Let me say to you that it has been shown in this testimony that he received money from other people, and it isn't hardly likely that he would bring you here all the way from Newark to do this work for the excessive charges which you have received, and which your bills show, without your paying some commission to Mr. Ford, either directly or indirectly, and your checks show it, and it would convince ninety-nine men out of a hundred, and you mean to say here under

that that you neither directly or indirectly paid Mr. Ford any money?

A. Personally I never did.

Examined by SENATOR SKIRM.

Q. Of course not; you are too smart for that? A. I can't say as to what he might have received from other parties.

Q. You are the owner of the business, Mr. Kinnard; Mr. Martin certainly did not make any expenditures for that line excepting at your directions, and you know when you made this bargain with Mr. Ford that it was clearly understood that he was to have a commission? A. No, sir; I say to you frankly that there was no such understanding.

Q. Then you are the only man that ever did any work but what did. A. He never put me in that position.

Q. But you simply gave him, directly or indirectly, this money? A. He may have got it indirectly, but he never got it from me.

Q. (By Chairman Voorhees)—What makes you think he might have got it indirectly? A. Here is a case of \$250 which Mr. Corbin shows up—that he has got to show that Mr. Martin gave it to Mr. Ford. I don't tell you that he didn't do that, because I have no right to.

Q. You were the owner of the business? A. It is true, but I had the most explicit confidence in this man Martin; I thought as much of him as though he were my brother, and I trusted him for everything; whatever he told me went, every time; now you can readily see the position I am put in here to-day; as to whether he gave Mr. Ford—

Q. (By Mr. Corbin)—He had more confidence in you than you did in him, for he drew checks in blank and handed them to you and you got the money on them? A. Yes, sir.

Q. (By Mr. Corbin)—Was he a man through whom this commission might have been paid indirectly to Ford? A. That I couldn't say.

Q. (By Chairman Voorhees)—Couldn't, because you don't want to say so from reasons of friendship, or, is it because you haven't the knowledge? A. I couldn't say what I don't know; this man, I had the most explicit confidence in him, and I have reiterated that again and again here, and the man evidently has deceived me—evidently, I say, has deceived me; I can tell things here that has no weight on this thing.

Q. This is all for your benefit; you got the benefit of this check; it isn't likely you would do this and draw these checks

as they are drawn there, unless Mr. Ford or somebody else that you gave this commission to, either directly or indirectly, and you know you paid Mr. Ford some money. A. No, sir, directly I did not.

Examined by MR. CORBIN.

Q. If Martin did this thing unbeknown to you it doubtless was done at your expense? A. It no doubt was; that I don't dispute; it was evidently done according to this \$100 deduction and these other items here. I have had such confidence in that man that I have really never looked over those books. A week ago Wednesday I was notified to bring those books here, and on Thursday morning I brought them all but the one which is the small job ledger, and they have been here ever since; now, I have had no opportunity whatever—I want to say in fairness I have had no opportunity to go over those books to see what shape they are in, or to know how Mr. Martin treated me in this transaction.

Q. We appreciate that. A. I hope you do; I claim to be an honorable man.

Q. But when money is paid to you on a check drawn in blank and you acknowledge you have had it, it is perfectly legitimate for me to ask you here to-day, and without preparation, what you did with it. A. That is right. I am heavily indebted to the Mutual Benefit of Newark. Now, invariably I pay them interest money about that date. Gentlemen, I own considerable real estate, that will explain—I don't want to cover nothing—that is my position.

Q. I see here in the same place that when somebody went to Trenton about this business they would charge up for expenses \$2.60, \$3, \$3.25, &c., which is about the ordinary expense of coming down here, is it not? A. Yes, sir.

Q. Now, I find on some days the charge will be, for example, \$13.60 or \$23.60? A. Yes, sir; that is when he went to bring the men.

Q. Wouldn't that rather indicate that Martin might, without your knowledge, have handed a ten dollar bill or twenty dollar bill to somebody? A. It might be that, sir.

Q. His legitimate expense of coming down here could hardly be twenty odd dollars, nor yet thirteen dollars? A. No, sir; I wouldn't dispute that position, yet at the same time I am free to acknowledge that he done it, but to tell you I know he done it, I can't say that.

Q. You don't think he pilfered that money out of your drawer, do you? A. Hardly, sir; no, sir.

Q. Take this \$250, which apparently he did fetch down; how much do you imagine he did give Ford? *A.* I couldn't tell you, sir; I couldn't honestly state; I couldn't give you any idea as to what extent he went; you understand I had cash right along in my safe.

Q. If you will examine your accounts and these advances that have been made in these bills, to which I drew your attention this morning, you will see that they are about 25 per cent. on each bill; well, if that was so, and Martin did that, don't you suppose that he gave more than 10 per cent. to "Barney"? *A.* That I couldn't say; he might have pocketed the difference himself.

Q. (By Senator Voorhees)—How could he get hold of it; these checks were made to Mr. Kinnard, and Mr. Kinnard says he got the cash for them himself? *A.* Those are the checks that Mr. Corbin makes allusion to, but there were checks, and we kept a ready amount of cash in our safe that was allowed to be paid out for different expenses; I think it is fair for me to say that I had anywheres from \$100 to \$200 ready cash in the safe that was kept there for certain purposes.

Q. Yes, your cash book shows that? *A.* Yes, sir; I have got that to-day there.

Q. Now, might he not have had somebody else that he was taking care of besides "Barney"? *A.* That I couldn't answer; I don't want to include anybody.

Q. Don't you rather think there was somebody else? *A.* It is possible.

Q. Who do you think he might have been taking care of besides Ford? *A.* I wouldn't like to say that, of course; since the man has disappeared I thought there was a woman in the case; but to tell you that is so—I don't know that it is so; I don't assert that, but it looked to me a little that way.

Q. Do you suppose it was somebody else at the State House or somebody else in Newark? *A.* I think it was somebody else outside of here; I think, if he was taking care of anybody here, it was Ford and Ford only; but to tell you that is so, I don't know.

Q. (By Chairman Voorhees)—In your mind, don't it look a little bit as if he had been doing so? *A.* I am free to acknowledge, the way this is showing up—it is all news to me—I am free to say to you it does look bad; I frankly acknowledge that this thing looks, on the face of it—

Q. If he was paying only 10 per cent. to "Barney" he would

hardly add 25 per cent. to the bills, would he? A. No, sir. Have you the proof that he added that?

Q. Yes, I think so. A. It may be, but I don't know.

Chairman Voorhees—That is, from your books it evidently appears that the books were padded about 25 per cent. They are all in good shape as to all other accounts.

Mr. Corbin—The quantities of both labor and materials are increased in each bill. That is all the proof we have.

Senator Skirm—What interest did Mr. Martin have in raising these bills from 25 to 30 per cent., when he was only getting a commission on the profits of the bills; the bills are too small; this certainly has not been done by Mr. Martin. Mr. Kinnard was the owner and he derived the profit. The little amount that Martin got out of it would'nt induce him to do that. Isn't that so?

Witness—That looks bad on the face of it, but you can see that he had access to my cash, that if he was disposed to rob Peter to pay Paul, as the saying is, you can readily see how he done this thing.

Q. Your cash balanced every month all right? A. Yes, sir; there is where he has deceived me.

Senator Skirm—I can't see any deception. The bills and books are right, and the amounts of money you have collected from the State are correct.

Q. Haven't you forgotten some part of it? A. Mr. Corbin, I can't say I have forgotten anything specially.

Q. How many times did you talk the matter over with Ford? A. Well, now, I had very little conversation with Ford in connection with this matter.

Q. Did he say that he didn't want any commissions? A. No, sir.

Q. Two or three witnesses here have sworn that he said he didn't want any commission? A. No, sir; I wouldn't say he did or did not. All I know is that Mr. Martin called my attention to the fact that there was a bill of forty dollars and thereabouts, and he wanted to make a deduction, and Martin spoke to me about it, and I said, "All right; give it to him."

Q. He didn't tell you that he didn't want a commission? A. No, sir, I wouldn't say that he ever said a word as regards commissions; I couldn't say.

Q. I would like to know whether you can suggest any explanation as to the reason of those bills—that is a rather solemn subject—adding 25 per cent. to the quantities? *A.* No, sir, I cannot.

Q. You mean to say that you never discovered it until now? *A.* I do, sir; I never discovered it until now, and now I only know it on your representation.

Q. I simply have called your attention to entries in your books, and we have nothing but what they show. *A.* I cannot question but what your statements are correct. I shall have the books gone over thoroughly if I ever get them in my possession again, as a matter of satisfaction to me, if nothing else.

Mr. Corbin—I desire to offer in evidence these checks. First I offer in evidence check dated February 1st, 1890, made by H. Kinnard & Co. to Hugh Kinnard, for \$500, endorsed "Hugh Kinnard." Marked "Exhibit 202."

Next, check dated January 21st, 1891, to the order of (blank), \$250, signed "H. Kinnard & Co."; not endorsed. "Exhibit 203."

Next, check dated January 21st, 1893, to the order of (blank), \$500; not endorsed. "Exhibit 204."

Check dated January 12th, 1894, to the order of (blank), \$426; not endorsed. "Exhibit 205."

Q. When you drew this last check there was entered in the stub of it, "State House job to January 1st, 1894," put a little differently that time. What did that mean? *A.* I assure you I couldn't say, sir, why it should have been put that way; it is in Martin's handwriting.

Q. Didn't it mean that the commission was settled up to January 1st, 1894, on all this State House work? *A.* I presume it did, so far as I was concerned.

Q. And so far as Ford was concerned? *A.* Well, that I couldn't say; that I couldn't say, sir.

Chairman Voorhees—Does it appear in the books of account anywhere, a statement of the amounts that were paid to Martin on account of his \$100 allowance?

Mr. Corbin—No, sir; I think that his account disappears from the books at the end of the year 1888: he is on the pay-roll.

Chairman Voorhees—How, then, did Mr. Kinnard know the amount for which Martin should be credited on account of that note to which he has referred?

Witness—If you will look at January or December the 25th, about Christmas, you will find that anywhere

from the 25th to the 1st of January you will find a credit there; there it is.

Q. The ledger account is on page 199, and is closed December 31st, 1888?

Chairman Voorhees—Now, from that time there appears to be no account anywhere of the amounts that were paid to Martin.

Mr. Corbin—Nothing on Mr. Martin's account.

Q. Now, what book did you refer to in speaking of the settlement which you—. *A.* I didn't refer to any special book; I was referring to that page—I paid him \$100 on account and then give him the credit on the note.

Examined by CHAIRMAN VOORHEES.

Q. Has that note been fully paid? *A.* No, sir.

Q. You have it in your possession yet? *A.* I have.

Q. Do you recall how much has been paid on account thereof?
A. I think I have a memorandum that shows; about \$650, sir.

Q. (By Senator Skirm)—When was the note given? *A.* In 1888.

Q. (By Senator Skirm)—So that in the six years' business his commissions didn't eat up the note? *A.* No, sir.

Q. Did he have commissions or was it an actual allowance of \$100 a year? *A.* He had an actual allowance of \$100 a year, and a commission on the amount of business after all expenses were paid.

Q. How often did you fix up the commissions with him? *A.* Once a year.

Q. At the close of the year? *A.* Yes, sir.

Q. Any statement made? *A.* No, sir.

Q. How, then, could you determine the amount of business?
A. We took the inventory of the business, the invoice of the business, and of course deducted the difference.

Q. By whom was that prepared, the statement? *A.* It was prepared by him and Van Houten here.

Examined by MR. CORBIN.

Q. When you closed up the partnership with Martin, doesn't the books show that his interest in it was about \$1,589, which you paid him to get out? *A.* Yes, sir.

Q. How was it, then, that he was indebted to you \$1,600? *A.* That was interest and all: I can produce the note.

Q. This looks as if he had an interest in there which you ought to pay back? *A.* No, sir; he didn't have an interest; he was indebted to me \$1,600 that he had overdrawn.

Examined by CHAIRMAN VOORHEES.

Q. And then he sold out his interest to you for that? A. Yes, sir; sold out his interest, which he agreed to pay me, and gave me his note for the amount.

Q. What was the amount of his indebtedness to you at the time that he withdrew from the partnership? A. About \$1,600.

Q. Now, he had an interest in the partnership, didn't he? A. No, sir.

Q. At the time of his withdrawal from the partnership he had an interest in the partnership? A. 1888.

Q. Yes, in 1888, there were three partners forming the partnership? A. Yes, sir.

Q. You bought out Caddock and paid him? A. Yes, sir.

Q. Martin was overdrawn? A. Yes, sir.

Q. To what extent? A. About \$1,600.

Q. Now, then, isn't it a matter of fact that you just simply said to him, "Your interest in this partnership is worth \$1,600; you are overdrawn \$1,600, and that will end the business"? A. No, sir; I didn't. I took his note for \$1,600 and held it against him, and continued him in the business.

Q. Then what was his interest in the partnership valued at? A. \$1,600, thereabouts.

Q. Did he pay you that \$1,600? A. No, sir; he was to pay me that of the profits of his commission on the business.

Q. Why did he give you a note for \$1,600? A. Simply to show that he was indebted to me, to close out his relations as a partner with me in the business.

Q. (By Senator Skirm)—On the first of January, 1888, the balance apparently due Mr. Martin on your books was \$2,866.71, and that during that year he drew \$1,231.32, so that there was still due him—instead of his owing you, there was still due him this amount of \$1,589.18 balance? A. Yes, sir; that was not the way it showed here; it was right *vice versa*.

Q. (By Senator Skirm)—That was the amount Mr. Martin had in the business? A. Yes, sir.

Q. (By Senator Ketcham)—Mr. Martin withdrew at that time and had \$1,600 in the business; is that so? A. No, sir, he didn't; he owed me \$1,600 of overdrawn money.

Q. (By Senator Herbert)—Then he had no interest? A. No, sir, he hadn't any interest; he was indebted, or *vice versa* of what that statement would show; he was indebted to me.

Q. (By Senator Skirm)—On some other matter that your books don't show? A. Yes, sir.

Q. It was outside of this. According to your ledger this item that was charged to you here was \$1,589.18? A. Yes, sir.

Q. (By Mr. Corbin)—You mean he was indebted to you personally for the amount of \$1,600? A. Yes, sir.

Q. But he did have an interest of about \$1,600 in the business? A. No, sir.

Q. Your books show that he had \$1,589.18. I can't understand yet why that note should be given. Have you got that note with you? A. No, sir.

Q. When was it dated? A. 1889, is my recollection; they both went out; this amount overdrew his account, and this man was indebted to me.

Q. How did that indebtedness arise? A. By overdrawing.

Q. It don't show by the books it was overdrawn? A. I know it don't.

Q. He had an interest in the profits of \$1,589.18. Now you say his interest was worth about that, so that the note ought to have been reversed? A. Well, that is the way it shows up, gentlemen.

Examined by MR. CORBIN.

Q. In regard to this note of Martin's, of which you have spoken, these books seem to show a settlement at the end of December, 1888, when the partnership was dissolved, which left a credit to Mr. Martin of nearly \$1,600? A. Yes, sir.

Q. Which appears to have been paid to him and charged to you? A. Yes, sir.

Q. Or credited to you. Well, aren't you mistaken, then, about saying that he gave a note; he seemed not to be indebted to your firm, but rather to be a creditor of your firm to the extent of nearly \$1,600. How do you explain that? A. Well, I can only explain it by the fact that I hold a note against him bearing about that amount; I don't say it is just \$1,600.

Q. When was that note given to you? A. My recollection is that it was given in 1888.

Q. How did he come to get the money from you? A. Well, he overdrew it different times.

Q. Overdrew it from the firm? A. Yes, sir.

Q. Well, but the books show that he didn't; the books show that his profits were more than what he had drawn? A. Well, I think I can produce the note.

Q. I have no doubt of it; and have you made endorsements on the back of payments? A. No, sir, I haven't; it was strictly a confidential matter, his whole transaction and mine in all those years.

Q. But you say the note has been reduced by payments to some \$600? *A.* Yes, sir; I do say so.

Q. Have you the record of those payments? *A.* I can't say that I have, but I think I can produce records.

Q. Can you tell how much they are? I wouldn't like to state right here just how much they are: I think about \$600 or \$650.

Q. How are they made out? *A.* They were made up in various ways from the amount; the difference between the \$100 ought to be paid him on the first of each year, with the difference coming to him on the commission on the business.

Q. How do you account for it that that \$100 doesn't appear in your books as having been paid to Martin in each year? *A.* Just like our system of bookkeeping.

Q. How do you account for it that the profits do not appear to have been passed to him since 1888? *A.* That is like other things that appear.

Q. How could your cash balance, if it did so? *A.* I don't suppose it did, to be honest.

Q. It does, at the bottom of every page? *A.* Well, now, how could it?

Q. That is what I am asking you? *A.* I can't tell you; I am no bookkeeper; I don't claim to be a bookkeeper.

Q. I am no bookkeeper.

Senator Skirm—You may not be a bookkeeper, but you know enough to know how to keep your accounts and whether, after you got paid the money on this book transaction of 1887, Mr. Martin is credited there with the profits in the business, between \$900 and \$1,100, and in the year 1888, when you balanced up, for \$236 or \$226, it is credited, and after the charges for the year are all figured up the concern of H. Kinnard & Co. owed him \$1,589. Now, I want to know how you paid Mr. Martin that money. Now, to say that you can't recollect it will hardly do you credit as a business man.

A. Senator, I cannot recollect it.

Q. (By Senator Skirm)—You mean to say that you can't tell how you paid him that money? *A.* I can't; my recollection is that he was indebted to me, or indebted to the firm.

Chairman Voorhees—What did he pay him for his interest in the partnership?

Q. Senator Voorhees asks the question what you paid him for his interest in the partnership? *A.* I couldn't say as to that.

Q. (By Chairman Voorhees)—What was it valued at? *A.* That I couldn't say.

Q. (By Chairman Voorhees)—Don't the books show it was valued at \$1,500?

Senator Herbert—Mr. Kinnard has already testified that it was valued at about \$1,600.

A. I said Mr. Martin's indebtedness was about \$1,600.

Q. (By Chairman Voorhees)—How did that indebtedness arise? A. By overdrawing the account.

Q. (By Chairman Voorhees)—It doesn't show on the books that he overdrew? A. That is not his fault; that was the fault of Caddock, the previous bookkeeper.

Senator Skirm—Oh, Mr. Kinnard.

Q. His original capital was \$1,600 with the firm, was it? A. I think so, sir.

Q. At one time he got half of it against—did he not? A. Yes, sir.

Q. (By Chairman Voorhees)—Where does it appear that he overdrew? A. (No answer.)

Senator Skirm—His profits in the year 1888 were only \$228.80; isn't that so?

A. How much did he draw?

Q. (By Senator Skirm)—Didn't he get his profits, according to the books, of \$228.80? A. Very good; how much did he draw?

Q. (By Senator Skirm)—I only ask you whether that is correct? A. I presume he got it.

Q. (By Senator Skirm)—Now, therefore, is it fair for this Committee to presume for a moment that you simply deducted 10 per cent. from this State House job so that he wouldn't get a little profit on that, when his profits for the year were only \$228? Why, it is simply absurd and ridiculous, and you know it. A. No, sir, I don't know it.

Q. (By Chairman Voorhees)—I want to know why the 10 per cent. commission was allowed you. Wasn't it simply taking it out of your own pocket?

Senator Skirm—Why, it was simply to give it into the hands of "Barney" Ford.

A. If it went there, I am free to say I didn't do it.

Q. (By Senator Skirm)—You know, Mr. Kinnard, that you and Martin together simply bought "Barney" Ford and paid him his commission, and you have been wasting the time of this Committee for two days instead of stating the facts that you know; that is all.

Q. I draw your attention once more to cash book, page 65, to the entry of January 21st, 1891, which you read, "Stor for S, \$250." Try and refresh your memory and say whether that was

not for a political contribution, \$250. A. Now, Mr. Corbin, isn't that "Stor" for "State House?"

Q. I don't know.

Senator Skirm—I have no doubt it come here, but it don't say it there.

A. "Stor for State House."

Q. No; I want your memory on that thing. A. My memory won't carry me.

Q. I can't believe that that \$250 was taken out of your books and your drawer without your knowing about it; think, now—wasn't it given as a political contribution? A. I couldn't say that.

Q. Well, then, take your own suggestion of it, State House, \$250; if it was for State House, who naturally got it? A. Well, it is fair to suppose that if it come to the State House that Mr. Ford got it, but then I couldn't say that.

Q. But his name don't commence with S, and you suggested at first a theory that S stands for somebody whose name begins with S. Now, who do you think it went to? A. If it went to somebody whose name begins with an S it might have went to Smith.

Q. Well, did it? A. I don't know.

Q. Why don't you know? A. My memory don't carry me; I have had paralysis.

Q. Were moneys given to Smith? A. Not to my knowledge, sir; I have no recollection.

Q. What is your best judgment now, whether it was the State House that got it, or Smith that got it? A. My best judgment would be if anybody got it that Ford got it, but then I have no proof that he did get it.

Q. Well, Smith wouldn't mean Ford, would it? A. No, sir; nor Ford wouldn't mean Smith.

Q. You don't think it would get by either one of them to the other? A. No, sir.

Q. Do you think it was Smith that was written there, or State House? A. I think it was State House, I do, really; if that isn't an S; have you looked at that, sir.

Q. Yes? A. If that isn't an H, then I am mistaken, but I couldn't say that.

Q. You think it is S H; you don't think it was Smith. Look at it with that view and hold it up to the light and see if it wasn't that? A. No, sir, I think it is "State House."

Q. Well, did the store sometimes make contributions to causes and have them charged that way to the store? A. No, sir.

Q. Not on general principles? *A.* Yes, they did; yes, we did once in a while; excuse me.

Q. And you would charge it it up that way to the store? *A.* Yes, sir.

Q. It is a common thing, I believe? *A.* Yes, sir, it is a common thing; I think possibly you are right.

Q. This probably, then, is a contribution from the store, or, in other words, from the business, for some cause or purpose or other? *A.* It is possible, but I wouldn't say it is probable, because I have no recollection.

Q. Can't you say something about it being entered in that way to the store; it means the business has contributed? *A.* It is possible.

Q. Well, you enter items that way in the store— *A.* I didn't enter it.

Q. You see they are entered here in your books? *A.* Yes, sir; sometimes.

Q. Your firm, or your store, did at times contribute from the common fund, didn't they, to some things? *A.* Well, it is possible; yes, sir.

Q. Well, now, after all you have said about it, do you recall anything—does your memory carry you back to some of the circumstances? *A.* I can't say it does.

Q. Can you say with more certainty whether you brought it down to Trenton? *A.* I brought no items to Trenton; now, what did I bring to Trenton—what I mean is, any political capital.

Q. Well, any personal capital? *A.* I wouldn't like to say; I have donated for several purposes; I was solicited here, for instance, while we were working here, to buy a picture of the surrounding grounds, which cost me a dollar—something of that sort.

Q. I don't find that in the books.

Senator Skirm—Your memory seems to be pretty good on that, for a dollar; it certainly ought to be for some others where there is \$426. *A.* I have no recollection positive of giving up any money for political capital in the city of Trenton.

Examined by CHAIRMAN VOORHEES.

Q. Well, have you any in Newark? *A.* I don't think that has any weight in this. Yes, I have given up many a time in Newark.

Q. Isn't this time one of them? *A.* No, sir.

Q. Why do you say it is not? *A.* Because I know it is not: what I gave up in Newark was out of my personal pocket.

Q. Don't you know what it is? *A.* No, sir.

Q. Do you know the hardest witness to get the truth out of is one who, when you press him to a point, will simply take refuge in the statement, "I don't remember"? Everybody knows that. Now, you remember a little item, as Senator Skirm says, of one dollar, but when it comes to a check of \$250 your mind is a perfect blank. It is a matter of moment that such an item should appear in your books. *A.* I think this man has evidently deceived me as regards those entries, and has paid out my good money where I was not consulted; that is honest.

Examined by MR. CORBIN.

Q. He got plenty of good money from the State House to pay it with. Now, then, the unfortunate feature of the whole case is this, that every one of those big checks were given to you and by you cashed, except one of them? *A.* Yes, sir.

Q. This one in the cash book is "Stor for S, \$250." Now, if you go to the stub book, it reads this way, "By deduction on State House, \$250."

Chairman Voorhees—What does Mr. Kinnard mean by "deduction on State House"?

A. Well, I tried to explain here that it meant a commission that I was to receive for superintending the work.

Q. (By Chairman Voorhees)—Then, why not say commission?

A. Well, I can't explain any more to you than it don't say so.

Q. (By Chairman Voorhees)—Did Martin understand that it was a commission? *A.* Yes, sir.

Q. (By Chairman Voorhees)—Why didn't he write it commission? *A.* I wouldn't tell you.

Q. (By Chairman Voorhees)—Why did he say "deduction"?

A. I can't say, sir.

Mr. Corbin—In other places he called it "expenses," and "wages" in still another place.

Senator Skirm—And then with the F obliterated from the check.

Q. Have you any doubt in your own mind that this man Martin really gave this money to Mr. Ford, or substantially all of it?

A. Well, now, to be candid and frank, I tell you that it begins to look to me, from the showing here to-day, as though he had given money to Mr. Ford; but to tell you that I know it, I don't know; I am not telling you so, because I don't know it.

Examined by CHAIRMAN VOORHEES.

Q. Don't you see, for the reputation that you have of being an honorable, upright dealer in Newark, and the reputation that you want to keep, don't you see that the best way is simply to make a frank statement? If you know it, say so; and if you don't, say so. A. I don't know it.

Q. We all have wicked partners, and we ought not to be visited with their sins. A. This man evidently had access to my money, which Mr. Corbin don't dispute, that I kept anywhere from a hundred to two hundred and three hundred dollars in my credit in my safe.

Q. Would you think there was anything particularly wrong in paying 10 per cent. or 25 per cent. on a public job? A. No, sir, I wouldn't, the way things is done now-a-days; I say, frankly, that it is nothing outside of the regular routine way of doing business; I have been repeatedly waited on and told that if I wouldn't give up 5 or 10 per cent. I wouldn't get any consideration.

Q. And you think that is perfectly right? A. I don't say it is, to be honest with you, Senator; I never agreed to do it; I don't want business bad enough.

Q. What is your view about padding bills, as these bills evidently have been padded, raising the amount and falsifying the amounts? A. I don't approve of that, sir; I don't think that is right; I don't think it is straight.

Examined by MR. CORBIN.

Q. If Martin did give this money to Ford, how did he get hold of it? A. Well, he got hold of it by taking my cash out of my safe.

Q. He didn't get hold of what you had cashed on these checks I have shown you, did he? A. No, sir; I stated that I had them personally.

Q. So that if he did pay Ford from this money, he must have pilfered it out of your cash in some part and in some way have covered it up in these balances? A. It would look so.

Q. Do you seriously want to make that charge against Mr. Martin? A. I do not, sir; I don't make that charge against him; I can't afford to make that charge.

Examined by CHAIRMAN VOORHEES.

Q. You state that it is customary in public contracts to exact a commission of 5 or 10 per cent. Where does that custom prevail? A. Well, Senator, I don't say—I want to qualify—I don't want to say it is customary, but I say—

Q. It has been done? *A.* It has been done.

Q. I mean on behalf of the State; you refer to the State bills?

A. Yes, sir; or any other bills.

Q. Who tried to stand you up for 5 per cent. on the State bills? *A.* Nobody.

Q. You said you had been approached? *A.* I said it was a common custom in a business way.

Q. If I didn't misunderstand you, you said you had been appealed to for 5 or 10 per cent.? *A.* In various ways.

Q. Didn't you state you had propositions made to you to that effect? *A.* I have had, but—I have had in connection with city and county, I can't say with State.

Q. That is, in the city of Newark? *A.* Well, I never accepted of it.

Examined by MR. CORBIN.

Q. That was long ago, I suppose? *A.* I don't know, not so long ago.

Q. About how long ago? *A.* Oh, well, within the last five or ten years.

Senator Skirm—Your memory seems to be remarkable.

Witness—I say I have been solicited that way, gentlemen.

Q. Senator Daly raises an interesting question, and I will ask a question which will bring this out. Were these people who appealed to you for commission on public work, Prohibitionists, Democrats, Republicans or Mugwumps? *A.* That I couldn't answer.

Q. You didn't stop to inquire of their politics? *A.* No, sir.

Recess.

Mr. Corbin—Mr. Chairman, I desire to call the attention of the Committee to some expenditures under chapter 137 of the laws of 1892, being an act establishing the State Board of Arbitration. It is found on page 238 of the pamphlet laws of that year. This act first provides for the formation as contingencies arise, of certain local boards of arbitration and for their powers and duties. The sixth section provides that the Governor should appoint three competent persons, each of whom should hold his office for the term of five years; one of whom should be selected from some bona fide labor organization of this State. The Board should have a

Secretary whose duties are prescribed, and an office in the Capitol. The procedure of the Board in inquiring into and adjudicating upon any labor troubles, is provided for. It is provided also that the parties to any grievance or labor trouble, may, in writing, submit their differences to the Board, and the Board, after hearing them, should, at the expiration of ten days, file a decision in writing which should be filed with the county clerk of the county where the trouble arose and copies given to the parties. They have a right, also, to inquire into strikes where the matter is not submitted to their decision, and to call witnesses. The 12th section provides that they shall annually report to the Legislature, and include in their report such statements, facts and explanations as will disclose the actual working of the Board, and other suggestions. The 13th section provides that each arbitrator shall receive \$10 for each and every day actually employed in the performance of their duties, and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the State Treasurer on duly approved vouchers. I find that this Board was organized in December, 1892, practically assuming their duties with the beginning of the year 1893. They filed no report at the end of 1893 and their report for the year 1894 is not yet extant, except that certain advance sheets have been printed, of which I have obtained a copy. I don't know whether the report itself, which is here spoken of, was actually submitted to the Legislature or not; probably the Senators will know.

The Chairman—Printed copies were laid on our desk.

Mr. Corbin—That is, these advance sheets?

The Chairman—Yes; no report has been submitted to us.

Mr. Corbin—Then there is no report but this on file, so far as I know.

JOHN W. ROMAINÉ, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Paterson.

Q. What is your occupation? A. Well, I am—that is pretty general—I have no particular occupation now.

Q. What has been your occupation? A. For many years back?

Q. As many as you please. *A.* I have practically done nothing in the last four or five years; prior to that I was with the Erie Railroad for twenty years.

Q. You are the Secretary of the State Board of Arbitration? *A.* I was.

Q. Have you brought the record of the Board which you were subpoenaed to bring? *A.* No, sir.

Q. Where is it? *A.* By direction of the Comptroller it was delivered to the firm of Lockwood & Co. last Tuesday, to be shipped to Trenton; all the papers and records.

Q. Did you have a book of records? *A.* Well, yes, there was a book of records and many papers.

Mr. Corbin—Captain Graham, will you go into the Comptroller's office and ask, on behalf of the Committee, for the records of the State Board of Arbitration?

Witness—I hardly think they are here; they were shipped last Tuesday.

Q. Who is Lockwood? *A.* Lockwood & Co., furniture dealers, of Paterson.

Q. It is quite time for them to be here? *A.* Desks and chairs and books, and all that sort of thing.

Q. Did you keep the book of minutes of the Board? *A.* Yes, sir; that is also among the other papers.

Q. What other books, if any? *A.* That is all.

Q. Have you your subpoena here? *A.* Yes, sir.

Q. You were summoned to bring a copy of such circulars as have been issued by the Board; have you them with you? *A.* No, sir; they are all with the other papers; I haven't any papers belonging to the State.

Q. And as I understand you, the Board has no records except this one book of minutes? *A.* Well, the records of each individual case are filed with the other documents, memorandums, testimony taken; the report has been delivered to the Comptroller; I presume it is in the hands of the printer.

Q. It has been? *A.* Yes, sir.

Q. It was not submitted to the Legislature directly, then? *A.* No, sir, not directly; it was given to the Comptroller according to his request—by his request.

Q. When was it given to him? *A.* I think in the latter part of January; I am not positive about that; his office will show the date of delivery.

Q. Was it not submitted to the Houses of the Legislature? *A.* No, sir.

Q. The law is perfectly explicit that it should be submitted to the Legislature? A. Not knowing how to proceed in such matters, I went to the Comptroller, and was guided by his advice; that is simply the preface of the report.

Q. I see this is addressed to the Legislature? A. Yes, sir. By the advice of the Comptroller, it was left in his office, as he said that was the usual way of procedure.

Q. How large a volume is it? A. I couldn't tell you, sir.

Q. Did you not see it? A. Yes, sir; I wrote it.

Q. Then give me an idea? A. I couldn't tell you.

Q. Is it as large as this one? A. That is only the preface of the report.

Q. I am asking you. A. It hasn't been printed; I don't know how large a book it will make.

Q. You don't know whether it will have more or less volume than this? A. Yes; it will have more.

Q. Did you write both of them? A. Yes, sir.

Q. How much larger than this? A. The manuscript report, probably, on ordinary writing paper, would make a package as high as that (indicating about six or eight inches); I presume it would be a book about the size of the ordinary legislative documents; probably an inch and a half in thickness when printed complete.

Q. (By Chairman)—100 pages? A. I should judge so.

JOSEPH P. McDONNELL, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Paterson, sir.

Q. How long have you resided there? A. About 18 years.

Q. What is your occupation? A. Journalist and publisher.

Q. You publish a newspaper at Paterson? A. Yes, sir.

Q. And have for some years past? A. Yes, sir; 17 to 18 years.

Q. 17 years in the city of Paterson. A. Yes, sir.

Q. You were the President of the State Board of Arbitration? A. Yes, sir.

Q. Where is your office in Paterson? A. 219 and 221 Dundee avenue.

Q. How long have you been located there? A. Well, in that vicinity about four to five years.

Q. And the office of the State Board of Arbitration was there also? A. Yes, sir.

Q. The law provided for an office in the Capitol? A. Yes, sir.

Q. But none was provided for you? A. Yes, sir.

Q. And therefore your office was in Paterson? *A.* Yes, sir.

Q. I draw your attention to sections 1 and 8 of the act under which your Board was created, which provides that any grievance or dispute arising between employers and employees might be submitted in writing by the parties to the decision of your Board. Did any employers or employees ever sign such an agreement and submit their grievances to your Board? *A.* For arbitration?

Q. Yes. *A.* I think it has been done in a few cases; very rare, though.

Q. Can you name one? *A.* Well, I believe it was in the case of the granite cutters with their employing contractor; he did some work on the city hall in the city of Paterson; but that is since the last fiscal year.

Q. Who were the employers? *A.* I really can't remember the name of the employers; it was the granite cutters' trouble.

Q. You don't remember the name of the employers with whom they had the difference? *A.* Well, it was the contractor—the gentleman who had the contract for the granite work on the city hall at Paterson.

Q. And they signed an agreement submitting to your arbitration? *A.* No, sir, they didn't both request us to arbitrate; it was settled satisfactorily.

Q. The first section provides for such submission to the county boards? *A.* Yes, sir.

Q. And the 8th section provides that submission to the State Board may be had if the parties desire it? *A.* Yes, sir.

Q. Now, has there been a single case in which the employers and employes have signed an agreement to submit their differences to the arbitration of your Board? *A.* Not in which employer and employes, no sir; not to my recollection.

Q. It has been one party alone? *A.* One party alone, as a rule.

Q. So that there has really been, then, no submission to your arbitration during the period of your Board? *A.* Well, practically not.

Q. And really not? *A.* Really not.

Q. Now, if you will refer to the 9th section you will find that when such a submission is made, you are to decide within ten days after the conclusion of the testimony, and to put your decision in writing, and to file it with the County Clerk? *A.* Yes, sir.

Q. Have you filed any such decision with any County Clerk?

A. No, sir; because there has been no case where both sides have agreed to arbitrate, up to the end of the last fiscal year.

Q. By that you mean up to October 31st, 1894? A. Yes, sir.

Q. That was for the first two years of your operations? A. Yes, sir;

Q. In no case did the employers and employes both agree to arbitration? A. That is correct.

Q. Now speak of the period since that time; have any signed and submitted to you? A. No, sir; the papers were not signed; simply the case of those gentlemen who had the contract for the granite work on the city hall of Paterson, and we would simply be called into the case and requested to settle it privately.

Q. Called in by both sides? A. By the granite cutters, in the first place, with the consent of the contractor.

Q. And your good offices were successful? A. Yes, but no papers were signed.

Q. And that is the only case you have in mind where both the employers and employees requested your interference? A. Well, there may be some other cases, but not where papers were signed; now, for instance, I can give you a case—

Q. I am asking you whether there was any case in which both joined to ask your arbitration? A. Yes, sir; in one case Mr. Robert Adams, of the firm of R. & H. Adams, requested—called me up by telephone and requested me to call the Board to meet him, and to call a meeting of the Board with a view to the settlement of the trouble between himself and his employees.

Q. Did the employees also apply? A. No, sir; then we met them at his request.

Q. But you were called in in that case by the employer? A. Yes, sir.

Q. Usually it is by the employed? A. Yes, sir; usually by the employes.

Q. At the end of the first year of your operations you made no report to the Legislature, did you? A. Well, we furnished a synopsis; that was all; it was impossible to make a lengthy report, because, at that time—

Q. To whom did you furnish that synopsis? A. Well, I believe it was the secretary—he knows better than I do; it was sent to the Comptroller, I believe.

Q. The only report which you have made, which is in print, is the one of January, 1895? A. No, sir; that is not a report; that is simply a preface to the report; that is not an advance sheet; that is not the report.

Q. This is the preface to the report that is forthcoming? *A.* Yes, sir; the Comptroller has had that in his possession, and had that printed.

Q. You say here the synopsis of the workings of the Board was printed in December, 1893, and a copy, together with the circulars, was mailed to each member of the Legislature, all the State officers and the press. That is the synopsis to which you refer? *A.* Yes, sir.

Q. Well, that, together with this document I hold in my hand, the preface of January, 1895, is all the report that is at this moment available? *A.* Yes, sir; but the report—we have already furnished a report; it is in the hands of the State.

Q. The report you have furnished is the one Mr. Romaine has mentioned as being given to the Comptroller? *A.* Yes, sir.

Q. You haven't transmitted to the Legislature any report save this? *A.* We done what we were told to do, furnish it to the Comptroller; we simply acted under instructions.

Q. When was that? *A.* Some months ago.

Q. It was during the session of the Legislature? *A.* No, sir; it was before that; we inquired about it.

Q. Wasn't it as late as the latter part of January and first of February? *A.* That we furnished the report?

Q. Yes? *A.* Yes, sir; the report was furnished at that time, but we made inquiry before that time as to who it should be sent to, and were told it should be sent to the Comptroller.

Q. (By Chairman)—Was any report furnished to the Legislature of 1894? *A.* No, sir; excepting the synopsis referred to by Mr. Corbin; I think Mr. Corbin asked me the reason for that. At that time we were engaged and after that time and about that time with the Lehigh Valley trouble and some other large strikes; it was utterly impossible; the secretary had to attend all the meetings of the Board, and the Board was engaged regularly, and without the members neglecting entirely their own affairs; I was one was unable to do it; we couldn't furnish it.

Q. (By Senator Voorhees)—What authority had you to act where the request had not been preferred in writing by both parties? *A.* Well, sir, Section 10 of the law is mandatory.

Q. What does that say? *A.* It doesn't give us any option in matter at all; it provides that we shall do so and so in all cases of strikes or threatened strikes.

Mr. Corbin—I will read Section 10: "That whenever a strike or lockout shall occur, or is seriously threatened, in any part of the State, and shall come to the knowl-

edge of the Board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lockout, and put themselves in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and if in their judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end, the Board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner, and with the same powers as it is authorized to do by Section 8, of this act."

Section 8 gives power to subpoena witnesses, production of books and papers to the same extent and with such power as is possessed by courts of record and the judges thereof in this State.

I ask the Committee's attention to the expenditures of the Board. In the fiscal year of 1893 they were \$7,-960.46; for the fiscal year of 1894, \$12,824.30, as taken from the printed reports of the State Treasurer. I wish to ask a few questions with reference to some of these expenditures, and I may say that the method pursued seems to be this: Each member of the Board, periodically, usually monthly, rendered to the State a bill for his per diem charge, his mileage and his expenses, and it was paid. The Secretary of the Board did the same thing, and other expenses of the Board, such as printing, stationery and other things were paid by bills rendered directly to the State and approved by the Board.

Q. I show the first bill rendered to the State, December 26th, 1892, for a part of the month of December, being for \$221.16; I see your first item is December 6th, 1892, Paterson to Trenton and return, 146 miles ten cents, \$14.60; compensation, one day \$10; total, \$24.60. Where did you find the law for that charge?

A. Well, I desire to state very frankly where I find it and where we found it; I am not a lawyer and the other members of the Board are not lawyers, neither is the Secretary. We went to the Governor of the State in order to find out what we should legitimately charge.

Q. (By Senator Skirm)—For your mileage? *A.* Yes, sir.

Q. (By Senator Skirm)—You knew what you paid? *A.* No, sir; the law states that we shall charge mileage, and we thought it would be a very proper thing to go to the Governor of the

State, or some other authority, and ask for information on the subject, and I think no person would condemn us for doing that. We went to the Governor of the State, and he told us that he supposed we should charge the same as the Supreme Court Judges or other Judges in this State, who are paid 10 cents per mile, and I understand, too, receive passes from the State, as well as members of the militia and the State Board of Canvassers, if I am not mistaken very much; and we thought certainly that we were just as good as the Judges, although we were members of a labor Board, and that we were just as much entitled to mileage as they were, but we didn't take advantage of that. We asked the Governor his opinion, and he told us, until further instructions, we should charge 10 cents per mile.

Q. Are you aware that the Judges of the Supreme Court get no mileage at all? A. No, sir; I am only stating—

Q. You refer, do you not, to the Lay Judges of the Court of Errors and Appeals? A. Excuse me, that is what I mean.

Q. They, I believe, are paid \$8 a day and 10 cents a mile for traveling? A. Yes, sir.

Q. They are the only people in the State that I know of who get ten cents a mile for traveling?

The Chairman—Does Mr. McDonnell mean to state that they have passes and charge mileage as well?

A. So I have been informed.

Q. They have passes also? A. Yes, sir; so I have been informed; I believe it is true.

The Chairman—Where are we coming to?

Q. At the time you made that charge were you engaged in arbitration matters? A. Yes, sir; certainly.

Q. Was that strike here in Trenton? A. It wasn't in Trenton.

Q. That is mileage from Paterson to Trenton? A. Well, at that time, I can't state; at that date I can't really state what that was; possibly the letter accompanying the bill will state that; I can't remember that. We requested the Governor to give his opinion in the matter and we acted under his instructions.

Q. Who was Governor then? A. Governor Abbett.

Q. That was the way the matter of mileage was charged? A. Yes, sir.

Q. (By Senator Daly)—Who audited your bills? A. The Comptroller.

Mr. Corbin—I may say, for the benefit of the Senator, that this first bill is approved by the Board. “J. P. McDonnell, President. Approved, Leon Abbett,

Governor." Then the warrant is drawn. There is no approval by anybody else upon it; that is the first one.

About this matter of charges, I think we should be clear just what the law is. The thirteenth section of this act says, "Each arbitrator of the state board, and the secretary thereof, shall receive \$10 for each and every day actually employed in the performance of their duties herein, and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the state treasurer on duly approved vouchers."

Q. Now, the next item in this bill, December 15th, 16th and 17th, Paterson to Camden and return, 212 miles, \$21.20, and compensation for three days, \$30; charged on the same basis, I suppose? *A.* Yes, sir, I guess so; it was some two or three months after the appointment of the Board.

Q. Then I see, also, at the foot of the bill, for actual expenses during these days, 11 days at \$3 per day. Then your construction of it was that you paid your actual expenses in addition to the ten cents per mile for traveling, was it? *A.* Yes, sir; you mean that we had.

Q. You charged, first, your \$10 per day? *A.* Yes, sir.

Q. Second, ten cents per mile for every mile that you traveled? *A.* Yes, sir.

Q. Thirdly, your actual expenses paid out? *A.* Yes, sir; that was our construction of it; yes, sir.

Q. What is the fare from Paterson to Trenton and return by the usual route traveled? *A.* I think \$3.45, or about that—something like that; \$3.50.

Q. But the mileage charged at this rate is \$14.60? *A.* At ten cents per mile; yes, sir.

Q. (By Chairman Voorhees)—You were not wicked enough to travel on a pass, were you? *A.* On a free pass?

Q. Yes. *A.* No, sir; I never traveled on a free pass in my life.

Q. (By Chairman Voorhees)—Why do you distinguish it as a free pass? *A.* There are free passes and passes.

Q. (By Chairman Voorhees)—What is the difference? *A.* The difference is, a pass is a ticket for which you give no consideration—a free pass.

Q. Did you travel on this? *A.* No, sir; never in my life.

Q. (By Senator Skirm)—What is the other kind of pass? *A.* A pass or a ticket is a ticket you receive and pay for; I have traveled upon such tickets; I get a ticket from the Erie Railroad;

receive three every year, or four, possibly \$80, and I give them equivalent for it.

Q. That is, they give you a pass? *A.* Yes; I have a contract with the road, my paper has, to publish their advertisements, and receive as part of the income of the paper a ticket on the road, but no free passes; I receive no free passes.

Q. That has been so for some years past? *A.* Yes, sir.

Q. So, as a matter of fact, when you would go from Paterson to Jersey City you didn't have to pay any money, but the consideration is paid by the newspaper in certain printing? *A.* Yes, sir, that is correct.

Q. So that there is no outgo at all in your traveling? *A.* No, sir.

Q. Did this cover any other roads in the State? *A.* It covers the Erie, the Pennsylvania, the Susquehanna and West Jersey; no other road.

Q. (By Senator Skirm)—Then in other words, when you came from Paterson to Trenton you really didn't buy any ticket, but simply use the tickets you have? *A.* The ticket which I had paid for—which my concern has paid for.

Q. (By Senator Voorhees)—Isn't that known as a press pass? *A.* No, sir; it costs me every year just as much as I would pay for a ticket, to publish the advertisements of the railroads and their reading notices; I am under no obligation to any road in this State. It seems you would imply that I received a pass for nothing; I did not; I give an equivalent for what I receive.

Q. Would you mind, if you happen to have it in your pocket, to show us the pass? *A.* Certainly I will; I have a contract with the road for the publication—at least my paper has.

Mr. Corbin—This first pass that Mr. McDonnell has shown is marked "Annual pass. Pass J. P. McDonnell, of Labor Standard, Paterson, over United Railroads Division; not good on ferries or in Chicago Limited. Good until December 31st, 1895." The one on the Lehigh Valley is good on all stations in New Jersey; substantially the same. The N. Y., S. & W. is good over the entire line, apparently, and the West Jersey road is simply a plain pass. I guess every member of the Committee has something like that in his pocket.

Senator Skirm—What I want to understand is whether, when Mr. McDonnell left Paterson and came to Trenton, for which he charged \$14.60—whether you use these sort of passes, and therefore pay no money out of your pocket for them?

A. Yes, sir; I certainly did; unquestionably.

Q. And one here which you refer to is to J. P. McDonnell and wife? A. Yes, sir; we have to enter into a contract to publish the advertisements for one year and whatever reading notices they sent it; we don't get it for nothing.

Q. (By Chairman Voorhees)—Are you the owner of the paper or is it owned by the company? A. I am part owner.

Q. (By Chairman Voorhees)—But the \$14 mileage you received you took to your own account? A. The pass is given to me; if I should be succeeded in the paper by anybody else I would not have that pass, it would be turned over to my successor; it is part of my income.

Q. (By Chairman Voorhees)—The payment for the pass was in consideration of work done by the stock company, the pass extended to you personally? A. No, the pass isn't extended to me personally; it is to the paper, and then I receive it while acting as editor; if I should retire from that position, whoever succeeds me will have the pass. It is part of my income, given to me by my paper—by my people.

Q. I refer to the preface of your report and read as follows: "From the start obstacles have confronted us. An office in the capitol could not be obtained, though several applications have been made. Passes were applied for, but information came back that we were not entitled to them; hence the amount expended for transportation in necessary traveling greatly swells the total expenses of the Board." That then does not refer to you particularly, does it; you had passes enough for your purposes? A. Well, that refers to the State passes; we applied to the State for passes; we applied to the Secretary of State, and he replied to us that we were not entitled, under that law, to passes.

Q. If a man has got a pass in his pocket that is good for a year, does it make any difference, in the matter of expense to him, how often he travels, or in what particular capacity he considers himself to be traveling; a pass is a pass, isn't it? A. Yes, sir.

Q. If all the railroads had sent you another pass, you would have been no better off for traveling than you are now? A. I guess not.

Q. As a matter of fact, as you say here, "hence the amount expended for transportation in necessary traveling greatly swells the total expense of the Board;" it wasn't swelled at all in your particular case? A. The tickets I held from the railroads had nothing to do with the mileage business.

Q. But you don't mean to tell me that you actually paid your fare while you had those in your pocket? *A.* Not on these roads; these are good up there.

Q. They cover substantially all that are worth having? *A.* No, sir; I pay my fare from Trenton to Philadelphia, going to Camden.

Q. That is, you have to pay the ferriage from Philadelphia to Camden? *A.* No, sir; once you enter the State of Pennsylvania, your pass is no good.

Q. But if you go by way of Camden, you go free and will only have to pay ferriage from Camden to Philadelphia? *A.* Yes, sir.

Q. (By Chairman Voorhees)—What had the arbitrators to do with going over to Philadelphia? *A.* Then I pay my fare.

Q. (By Chairman Voorhees)—Does it cease here if you go over the river? *A.* Yes.

Chairman Voorhees—I thought the proper wrinkle was to get off here and go down inside the State.

Q. Do you happen to know whether any of the other members of the Board had passes of any kind, free or otherwise? *A.* No, I believe that—I don't know that the other members of the Board had passes; not to my knowledge.

Q. Mr. Doyle was a railroad employee? *A.* Mr. Doyle is an engineer in the employe of the Central Railroad; I never knew him to present a pass, to my knowledge; he may have done so.

Q. (By Senator Voorhees)—How about Roberson? *A.* Roberson, I don't know that he ever had a pass.

Q. When you speak of the amount expended for transportation being greatly swelled, you refer more particularly to the other two members of the Board and the Secretary? *A.* No, we refer to all; that matter doesn't come into consideration at all.

Q. (By Senator Daly)—I suppose, if you had State passes, you wouldn't be under obligation to contract for printing? *A.* Not at all.

Q. (By Senator Daly)—Therefore it was swelled on that principle? *A.* Yes, sir.

Senator Skirm—Let's figure that out.

Senator Daly—Mr. McDonnell entered into a contract with the railroad company to publish their advertisements for them, and as an equivalent he got railroad passes; now if he got State passes he certainly wouldn't enter into the contract; he would be paid for what he done for the railroad company; that is plain enough; he certainly wouldn't have charged mileage to the State.

Q. (By Senator Skirm)—Do you do all the printing in your paper for the railroad companies without any compensation excepting these passes? A. Yes, sir; entirely.

Q. (By Senator Skirm)—You don't get any pay whatever? A. The composition costs money, and the office that I run is a union office, where the best rate of wages is paid, and every change made in an advertisement has to be paid for, and the changes are almost every week; and the reading notices are almost every week, too, and they have to be put in.

Q. (By Senator Daly)—Instead of taking cash you take a pass? A. Instead of taking cash the payment is made in a ticket.

Q. (By Senator Daly)—If you had State passes— A. Would have charged for mileage; that is a private matter altogether; it has got nothing to do with this in the world; just the same as if I purchased a commutation ticket and paid \$100 for it.

Q. (By Senator Skirm)—I understood you to say your contracts amounted to about \$80 a year. A. No, sir; I said in some cases, in the case of the Erie railroad pass; there a thousand-mile ticket is worth \$20; if I received four tickets in the year it would be worth \$80.

Q. And you get four tickets? A. Yes, I can get five, very likely, if I had extra work, making \$100, but I am limited to that.

Q. You have a contract with the Pennsylvania? A. Yes, sir.

Q. And other roads on the same principle. What is the advertisement worth on the Pennsylvania road? A. I think the chances are that an ordinary business man would pay me more than they are paying me.

Q. (By Senator Voorhees)—Do you advertise the Lehigh Valley? A. Yes, sir; the same contract, regular contract with them?

Q. Are their advertisements inserted in the paper? A. Certainly, every week.

Q. (By Senator Daly)—Time-table? A. Yes, sir; no, it isn't time-table in that case, it is simply giving the addresses of the stations; it is generally a common advertisement of the road, but time-table on all the other roads.

Q. This second bill, paid in the month of February, 1893, for \$275.76; the same remarks with reference to traveling apply to this? A. Yes, sir.

Senator Skirm—What is the amount of the traveling expenses on that?

Mr. Corbin—\$110 is the per diem out of the \$225; the rest is for traveling or other expenses.

Senator Skirm—Then this 11 days at \$110 and \$175 expenses is railroad travel and so on?

Mr. Corbin—Yes, sir; then there is in this bill, at the end of it, \$28.75 for telephone for the quarter.

Q. Where was that telephone? A. In the office.

Q. That is, in your office in Paterson? A. Yes, sir.

Q. The Board paid for your telephone, did they? A. Yes, sir; the State paid for it, but we asked permission to have it put in; and it was necessary, as telephones are necessary in commercial life, and we asked permission to put it in and were granted that permission.

Q. I see you traveled to Woodbine once or more? A. Yes, sir.

Q. What did you go there for? A. Big strike in the cloak makers; all the people who lived down there, in fact, were on strike; nobody else lived down there, and we settled that strike too.

Q. January 9th and 10th, Paterson to Trenton and return, 146 miles; that was on the occasion of the opening of the legislature on Tuesday, wasn't it? A. I couldn't really say.

Q. Yes, I think you will find that it is Tuesday.

Senator Daly—It is possible they came down here then.

Chairman of Committee—Yes, but we had no strikes here.

Witness—You must remember, Senator, that the Board, to carry on its business, had to meet once in a while.

Senator Voorhees—What was the earthly use of the Board meeting down here on the opening night of the Legislature; there were strikers here, but they were not under your province.

Q. I draw your attention to the third bill, paid April, 1893, and I find these items: January 16th and 17th, Paterson and Trenton, mileage, 146 miles, and two days' service and two days' hotel expenses, \$3 per day; you will find by referring to the calendar that that is Monday and Tuesday, that is \$40.60; a week later, Monday and Tuesday again, January 23d and 24th, the same, and then the 25th and 26th to Bayonne; but a week later again, January 30th to 31st, to Trenton and back; and again, February 6th and 7th, Trenton and back; and again, February 13th and 14th, to Trenton and back; and again, February 27th and 28th, to Trenton and back; and so again on March 6th and 7th; now, I find that those are all Mondays and Tuesdays; as a matter of fact, those are trips from Paterson to Trenton to at-

tend the Monday evening session of the Legislature and the Tuesday morning return to Paterson, are they not? A. I think not.

Q. Well, what then did you go for? A. Well, this was the proper place for the Board to meet; we had the use temporarily of a room here, the Subway Commission room; we were permitted to go in there until we were turned out, which frequently was the case, by the Subway Commissioners or some other Commissioners.

Q. The Subway Commissioners turned you out? A. Some Commissioners turned us out.

Q. Who were those Subway Commissioners? A. Mr. McDermott, Mr. Smith and Mr. Ross; their room was there, anyhow.

Q. You were entitled by law to rooms; why were you turned out? A. By these gentlemen and others.

Q. Weren't you as well entitled to those rooms as they? A. Well, that room was set aside for their use; we were told so.

Q. And if you were put on the same basis as the Judges of the Court of Errors and Appeals, I don't know why you were not better entitled to that— A. We thought it best to be courteous and gentle; we didn't wish to create any trouble, and when we were told to get out we left.

Q. It so happened that when you came to Trenton it was Monday and Tuesday, was it not? A. I think it was, very frequently.

Q. And this very bill is almost entirely for errands of that sort, is it not? A. It does seem so on its face.

Q. The bill for that month is \$423.87.

Q. (By Senator Voorhees)—Did the other members of the committee meet on that day? A. Yes, I think so; they were regular Board meetings.

Q. (By Chairman Voorhees)—Were there any strikes? A. I can't tell what strikes were on at that time; we might as well have met in Jersey City or Newark; but this was the proper place to meet, so long as we could have the use of the room.

Q. I see, in this bill and those that follow, frequent trips to Jersey City and to New York, with 32 miles of travel, and for going down and returning the same day, and hotel expenses of \$2.60, \$3.50, \$3.50, \$2.80, \$2.25. What was the occasion of hotel expenses to that extent in going to Jersey City in the morning and coming back at night? A. Well, I don't know how other people can travel, but I certainly can't travel without spending from \$2.50 to \$3 a day, and I think most men in commercial life are allowed a good deal more.

Q. But every mile you traveled here on the railroad or horse car there is ten cents charged up in addition to that and your \$10 per day; and there is an item here, I may say some hundreds of items, of hotel expenses, and I see that those in Jersey City, when you went to Jersey City or New York, are for \$2.25 to \$3.75 per day; what occasion was there for use of a hotel, further than to get your lunch? A. Well, first I should know what these trips were made for; I can't tell unless you refer to the letter accompanying.

Q. They are so frequently here that I thought you might remember them. A. It is a long time ago, and it is impossible for me to remember.

Q. Here is one at Paterson; take this bill from 1893, April 18th and 19th, at Paterson; you were at home then? A. I live outside of the city; at least in the city two miles.

Q. What is the place you live? A. Lake View.

Q. That is within the city limits, about two miles from your office? A. Two miles from the center of the city.

Q. And you travel that distance on the trolley car? A. Yes, sir.

Q. Look at the first item of this bill: April 18th and 19th, at Paterson, strike of the * * * silk company's men; two days' services, \$20; two days' meals, \$1.50—\$3.00. Take the next one: Paterson to Jersey City, 32 miles, \$3.20; one day's services, \$10; one day's hotel expenses, \$3. That means hotel expenses in Paterson or Jersey City? A. Jersey City.

Q. Well, I have called your attention to that one as a sample of one of a class that are numerous there in all bills.

Q. (By Chairman Voorhees)—What hotel in Jersey City charges \$3 for two meals? A. I simply stated what my ordinary expenses would be whether traveling for myself or traveling for the State; I can't travel as some people may travel; some can travel without spending any money at all; I can't do it.

Examined by CHAIRMAN VOORHEES.

Q. You were spending the State's money? A. Yes, and spending according as I would spend my firm's money, in a reasonable manner; I can't go to a hotel and purchase five-cent meals.

Q. How was it that you always charged \$3? A. No, sir; I didn't; you will find the sums varying there according to the circumstances; might sometimes be eight or nine hours; I can't go to the city of Jersey City and remain there nine hours and spend less than \$3; I can't.

Q. Of course you must buy refreshments.

Q. (By Mr. Corbin)—Take the next bill, July, 1893; this will illustrate. I don't want to be understood as saying Mr. McDonnell charged \$3 every day for hotel expenses; it is sometimes more and sometimes less; but take this next one, Paterson to Jersey City and return, hotel expenses \$2.25; and Paterson to New York and return, \$2.60; Paterson to New York and return, \$3.50; Paterson to Jersey City and return, \$3.50.

Senator Voorhees—What were they doing over in New York?

A. If Mr. Corbin has the letter which accompanied the bill it will explain what we were doing in New York. We never went to New York unless we had business there—that is, with the head of some firm whom we couldn't see in Jersey City, we would see in New York.

Senator Voorhees—You may be right.

Examined by MR. CORBIN.

Q. Now, Newark and return, hotel \$2.50; in Paterson, Lake View and return, four miles, 16 cents; Lake View to Paterson, four miles, 16 cents, hotel bill, \$1.25. I observe the mileage has gone down to four cents. Why was that?

A. I forget now how it occurred, but we conferred with the Governor—I think the present Governor; Governor Werts, I think it was—with the Comptroller or the Attorney-General. His opinion was asked upon the matter and he stated that we were entitled to four cents; that it was a mistake to pay 10. Then, of course, our bills went in for four, in accordance with his opinion rendered to the Governor.

Q. (By Senator Voorhees)—Did you make any allowance for the excess of six cents that had been paid you? *A.* That was not our fault; that was the fault of the people who were higher than we were in the State.

Q. That was your good fortune but not your fault? *A.* That was not our fault, but our good fortune.

Q. I call your attention again to May, 1893; in that I find "Paid out for clippings, \$3.70," disapproved by Governor Werts; he allowed the bill for the remainder. That question was raised at that time about the allowance for newspaper clippings and he rejected the item? *A.* He rejected that item; at that time the bills went to him for approval.

Q. After that the bills were not sent to the Governor and the newspaper clippings were put in? *A.* By authority of the Comptroller; yes, sir.

Q. Mr. McDonnell, will you kindly, being a newspaper man, explain what is meant by newspaper clippings on the subject of strikes. *A.* Well, there are regular bureaus for the purpose of furnishing clippings to individuals, to corporations and others in the city of New York and elsewhere, I presume, and if you are interested in any special matter, you can write to one of these bureaus and they will furnish you with clippings respecting that special matter from newspapers in any State or any number of States, and they charge you, I think it is five cents a clipping, and nearly all our prominent men are subscribers to these clipping bureaus.

Senator Voorhees--None of the Senators are.

Q. (By Senator Skirm)—What was the necessity that the State should pay for clippings; what advantage was it to the Board or the State? *A.* I will tell you. In the State of New York, the State Board of Arbitration has a Secretary; it has also an Assistant Secretary and one of the chief duties of that Assistant Secretary is the clipping from the State newspapers—they subscribe for all the newspapers of the State, and the duty of the Assistant Secretary—most of his time is occupied in clipping reports. These clippings are from all the newspapers and furnished for the Board so that they might become acquainted with the facts as related in the newspapers of the various parts of the State. Now we had to purchase all the newspapers and devote a great deal of time to the clippings ourselves or to purchase these clippings from one of the bureaus in New York City, and we even confined that bureau—for a long time they were sending us clippings from New York papers respecting New Jersey strikes as well as New Jersey papers, and we told them to stop that. We confined them simply to New Jersey newspapers. Our anxiety was simply to be informed upon all the matters relating to strikes in the State. Our Board was formed for that special purpose and if we didn't do something to try and ascertain respecting the particulars of these strikes, then we may as well resign from the position altogether; the Board would be no earthly good; the expense of that was very slight; but that was the object in subscribing to the clipping bureau.

Q. After you had this opinion of Governor Werts the bills were no longer submitted to the Governor? *A.* No, sir.

Q. But the Comptroller drew his warrant for the amount without the approval of the Governor? *A.* Yes, sir.

Q. Did you see the Comptroller about it? *A.* Yes, sir.

Q. Who was Comptroller at that time? *A.* Gen. Heppeneimer.

Q. And the bills have been paid from that time to the present upon the approval of the Comptroller? *A.* Yes, sir.

Q. (By Chairman Voorhees)—Did the Comptroller know that the Governor had disapproved of the former charge? *A.* I don't know, but I know we requested him to approve it; for my part I favored it; I thought it was a necessity, we should have something to work upon.

Q. (By Senator Voorhees)—The act doesn't make it necessary that it shall be approved by the Governor does it? *A.* No, sir.

Q. Why did you go to Bridgeport? *A.* Bridgeton; that was the strike of the green glass blowers.

Q. These bills are substantially alike. I observe after the mileage was reduced, after that, you charged from Lake View to your office at Paterson and back, daily? *A.* Yes, sir.

Q. As many days as there are charged in the bill? *A.* Yes, sir.

Q. Some of the months have all the days and some have less.

Q. (By Senator Skirm)—Was this Board in constant session at Paterson? *A.* No, sir.

Q. I will take one of the bills and go through it and the Committee will get a fair idea. Some bills are 26 days, some are 10 days.

Senator Skirm—Of course they didn't work on Sunday.

Mr. Corbin—I notice that there are some days continuous for 10 or 12 days which must have included Sunday, but I presume there were emergencies which justified the breach of the law in such cases.

A. Yes, sir; only exceptional cases, where the people could not leave any other time.

Q. Now beginning in August, I think it is, 1893, I find a new charge in these bills which I think, continues until the present time, and that is, each time a day is charged there is an item called "Incidental Expense." The charge which was known as "Hotel Expenses" disappears; what does that mean? *A.* Incidental expense.

Q. Look at the bill, you will find that each day? *A.* It means the same thing.

Q. Under another name? *A.* Under another name.

Q. \$2.75, Newark; \$3.25, Harrison; \$2.25, Harrison; \$2.75, at Newark; \$1.25, at Paterson; \$3, at Newark; \$2.25, at West Hoboken; \$2.50, at Newark; \$2.75, at West Hoboken; and \$2.25, at Hoboken; \$2.50, at West Hoboken; \$2.75, at West Hoboken; \$2.75, at Trenton, that is about the way they run.

Chairman Voorhees—What is the date of that bill?

Mr. Corbin—August 31, 1893; it is for the month of August for \$261.66.

Chairman Voorhees—Mr. McDonnell has spoken about their working on Sundays in case of emergency. I understand from an examination of the bills, that there is one that shows thirty-two days out of a possible thirty-three, extending from March 27 to April 30, 1894; did you have to work thirty-two days out of thirty-three there?

A. I don't know, sir; if you will show me the bill I will tell you.

Q. (By Chairman Voorhees)—This bill covers disbursements, charges from March 27 to April 30, 1894. A. If it is so in that bill it must be correct.

Q. (By Chairman Voorhees)—You work harder than the Senators do? A. I do, I guess, a good deal.

Q. Bill dated May 1, March 27, 28, 29, 30 and 31, April 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29; that is the one for 32 days out of a possible 34, I think.

Q. (By Senator Skirm)—What was the occasion of so much time being spent there? A. Senator, I really can't say; the letter accompanying the bill explains.

Q. I will read the letter accompanying the bill. "March 27, 28 and 29, April 1, 7, 19, 28, at Newark, consulting with Mr. J. P. Axt and the segar makers, conference between the two parties in the presence of the Board to settle the strike and prevent recurrence." Now, March 30, 31 and April 4, 6, 7, 11, 24, 25, 26, 30, in Paterson, meetings of the Board conferring with striking ribbon weavers and weavers of broad goods in Paterson Mills, conferring with committee from striking weavers of Phillipsburg, consulting regarding their troubles in different places in State ten days; April 2, 3 and 16 in Trenton, meetings of the Board for the transaction of business, of consulting with striking petters, four days; April 5, 12, 14, 15, 18, 20, 21, 22 and 29, 9 days, at office consulting with striking silk ribbon and broad goods weavers of Paterson and Phillipsburg, and segar makers of Newark and others; communication with Sayre regarding the dissatisfactions among the Lehigh Railroad employees, with the Mount Holly carpet works and Griffing Iron Works, some silk strikers and other Board work, 9 days at office; April 23, at Jersey City with Mr. Atwood; April 13, at Port Oram: April 27, at New York conferring with Mr. Brohman, of the Standard Silk

Company. At what place did the emergency arise which required the work on Sunday: was that at Newark? *A.* No, chiefly at Paterson.

Q. That was among those days when you remained at home? *A.* Yes, sir.

Q. (By Chairman Voorhees)—Were the rest of the Board there with you then? *A.* Not on Sundays, no, sir.

Examined by CHAIRMAN VOORHEES.

Q. Could the Board act individually? *A.* As we understood it, it could; I would be called upon as a member of the Board, or as Chairman of the Board, by a number of strikers, to listen to their complaints and discuss the matter with them, and report to the Board afterwards; of course, I had no power to act in the matter.

Q. Is the act broad enough to bear that construction? *A.* We interpreted it in that way; if people come to you with their complaints, what are you to do?

Q. Call a meeting of the Board. *A.* You can't call a meeting of the Board right away, and these people insisted upon having their meetings right away.

Q. A careful investigation, I am informed, of those bills show that in 1894 you gave 287 days to the service of the State out of 365 days; that left you 78 days that you were not employed: 52 days are Sundays, that left you 26 days when you did not serve the State. *A.* I can't say as to the number of days; I suppose that is so.

Q. I may be miserably informed and I don't have the advantage of the clipping bureau, but I hadn't any idea that there were so many strikes in this State as that? *A.* There are others; you have no idea of the number of strikes there have been; we haven't been able to attend to all the strikes.

Q. In 1894? *A.* Yes, sir; and the indications are that there will be a great many more this year than there were last.

Examined by MR. CORBIN.

Q. The report on page 4 says, during the two years which were covered by this report 122 strikes came to the knowledge of the Board, of which 61 received personal attention and investigation; that is, during the two years up to January, 1895?

Q. (By Chairman Voorhees)—Then you gave nine days' consideration to a strike on an average? *A.* Sometimes more; some strikes took more than that.

Q. (By Chairman Voorhees)—Couldn't the Board of Arbitration settle most of those strikes in two hours? A. Well, Senator, you should try it.

Q. I guess from 18 to 20 days for a strike of the 61 strikes would be nearer.

Q. (By Senator Voorhees)—I suppose we must have them, but don't it come pretty high? A. I think it is well worth the money.

Q. (By Chairman Voorhees)—With the general purpose of the Board the Committee do not mean to say they are not in sympathy, but they are astounded with the cost? A. What should we do; do these people insist upon the Board giving their time: what is the Board going to do?

Mr. Corbin—This same report goes on to say, "some of these strikes were of a character liable to extend from sympathy and, no doubt, would have resulted in disorder and violence had there been no interference of a legal Board. Others were of minor importance and short duration. They were settled by letter, telephone or telegraph, as occasion required. The Board has also been instrumental in preventing a number of strikes by timely advice to parties interested.

Q. (By Senator Voorhees)—That wouldn't take eight days by telephone, or telegraph, or by letter? A. That depends on the amount of communication.

Q. When this work was so pressing that it required substantially all your time, Sundays included, who managed your newspaper? A. I don't quite understand what you mean.

Q. The last bill that I showed you indicated that you spent 32 out of a possible 34 days, consecutively, in the service of the State? A. Yes, sir.

Q. In composing labor difficulties? Who managed your newspaper during that period? A. The people who have been managing it all along—who are managing it now—have been managing it all along, under my supervision.

Q. Your own supervision was practically withdrawn? A. To a very large extent; I am very sorry to-day; it would have been a good deal better for my business; \$10 a day don't pay me; I wish I had never been on the Board.

Q. Well, about these days; I see that there are quite a good many days charged here at Lake View; that is where your residence is? A. That is the office, yes, sir.

Q. At Lake View is your home? A. Yes, sir.

Q. (By Chairman Voorhees)—Is that where the telephone is?

A. Yes, sir; that is where the office is.

Q. But the telephone? A. Yes, sir.

Q. Isn't the telephone in the newspaper office? A. No, sir.

Q. But there is a telephone in the newspaper office? A. There is a private telephone of mine; you mean the State telephone; the State telephone is situated in my private residence at Lake View, because you have to answer it at all hours.

Q. You had one in your office before? A. Simply private telephone from the house.

Q. Well, those days that are charged here at Lake View, those are days when you remained at your own residence considering State matters? A. In the office.

Q. At Lake View, it says? A. Yes, that is where my office is.

Q. Your office is in your house? A. No, it is separate from my house.

Q. Is your newspaper office at Lake View as well? A. Yes, sir.

Q. Then when you went to Paterson and charged mileage you were going away from home and office? A. Yes, sir; I have no office down in the city of Paterson.

Q. Your saying at the outset that you lived in Paterson has confused me a little, but I think we understand it now. Did you assist in the preparation of this report of which Mr. Romaine has spoken? A. Yes, sir.

Q. Who drew it? A. The secretary.

Q. You didn't draw it? A. No, sir.

Q. I find in your bills from November 26th to February 27th, seventeen days charged, to preparation of report? A. That is this year?

Q. Yes. A. Yes, that is right.

Q. What were you doing about the report while he was drawing it? A. The vote of the Board, as the records will show, that a majority of the Board voted that all members should meet and go over all the reports from the beginning to the end, in the presence of all members and that is what is termed the preparation.

Q. I see Mr. Roberson is also charged twenty-one days for drawing the report? A. That is what I referred to; the motion was made and passed by the Board that all members should attend.

Q. And Mr. Doyle has charged nineteen days for drawing the report, and Mr. Romaine, the clerk, has charged forty-one days' work on the report; the total is ninety-eight days, making, in other words, \$980. I see these charges, with reference to the

preparation of this report, reach up to the 27th day of February, this year, so that the completion of the report must have been a little later than you supposed? A. Yes, if that was the time.

Senator Skirm—I understood the witness before this one to say that this was presented to the Comptroller before the meeting of this Legislature.

Mr. Corbin—That is a mistake; I am correcting it now.

Chairman Voorhees—Did they charge \$30 for bringing it down to the Comptroller?

Mr. Corbin—I don't know; \$10 a day is allowed by law for those days when they are laboring, besides expenses and the mileage, which we have heard.

Witness—The per diem system is wrong; there is no question about that, and I wish to state, Senators, that it was not the wish of the Board or the labor organizations of the State that that per diem system existed under the bill; they wanted a regular salary at the beginning. When the bill was presented by the present Governor, he was then a member of the Senate; it didn't provide for that per diem system.

Chairman Voorhees—He didn't have any idea that there would be 61 strikes; he never dreamed that these members would get \$3,000 or \$4,000 a year for their services. Let me ask you: Will you kindly refer to the charges for the preparation of the report for the year 1894?

Mr. Corbin—There is no report but this one.

Chairman Voorhees—But there are charges for it; the one that was submitted to the Legislature of 1894. I mean the report for the year 1893.

Mr. Corbin—There was no report.

Chairman Voorhees—Well, there are charges for it.

Mr. Corbin—Are there? Well, I will see. I should say that the earlier bills that were rendered do not give the full particulars that the latter ones do.

Chairman Voorhees—I think you will find it in December, 1893, or January, 1894, voucher.

Mr. Corbin—Yes, I have it; the bill of December 31st, 1893, rendered by Mr. McDonnell, gives December 20th and 21st at Lake View, engaged on report; 23d, 26th, 27th and 28th at Lake View engaged on report; 30th, engaged on report; there are seven days in that bill engaged upon that report.

Q. (By Chairman Voorhees)—How much was that report? *A.* Well, the report was prepared at that time, and is now part of the report in the possession of the printer; it was never revised at that time; it was never revised until this year.

Q. Wasn't that a synopsis? *A.* Including synopsis.

Q. Then this should be to what I have stated, to the present report, to what is about to be printed. I see your bills, if I foot them correctly, amount, for the fiscal year 1893 to \$2,526 and for the fiscal year 1894 to \$3,049; that is substantially correct? *A.* I presume the bill is correct.

Q. Well, what strikes did your Board actually settle? *A.* Well, it is quite impossible for me to answer that question now, just as I stated before; the hearing was on before the Judicial Committee; the report is in the hands of the State; it ought to be here and it would speak for itself.

Q. (By Senator Voorhees)—Isn't it a matter of fact that that report is chiefly taken up with excerpts from writers? *A.* I think not.

Q. (By Chairman Voorhees)—Those whom we know as anarchists and such? *A.* Not as I am aware of; if it is so, I don't know anything about it.

Q. (By Chairman Voorhees)—There are some people quoted there, and I wondered if they were quoted in the State report. *A.* You refer to the preface probably.

Q. Look at this preface, on page 7; you quote from the New York World and at the end give a list of those who have written stating how great strikes should be settled; Rev. W. S. Rainsford, Rector of St. George's Episcopal Church; John McBride, President of the American Federation of Labor; Miss Emma Goldman, the well-known woman anarchist; C. W. Mowbray, the English Conservative Anarchist leader. The opinions of the persons named can be found in the issue of that date. That is appended to your report, is it; the opinions of these people? *A.* I think so; yes, sir.

Q. You don't read that kind of reading? *A.* All kinds of reading.

Q. Then, I understand you, the opinion of Emma Goldman the woman anarchist and C. W. Mowbray, are appended to that report to be printed at the expense of the State of New Jersey, are they? *A.* That is not a fair way to put it; why not ask for the opinion of the President of the Chamber of Commerce of New York; it is there, too.

Chairman Voorhees—The State of New Jersey will

not print the opinion of Emma Goldman, not if Mr. Voorhees has anything to say about it.

Witness—I am not in favor, still, at the same time—

Chairman Voorhees—The idea of a sworn officer of the State printing anarchistic utterances; did you ever think of that?

Witness—Are her utterances specially anarchistic?

Chairman Voorhees—I should say they were. She can't think except through the medium of anarchy.

Witness—I am not in sympathy with her.

Q. (By Chairman Voorhees)—Then what do you want to quote her for and ask the State to pay for it? A. The most radical people are yet in favor of some board of arbitration.

Q. (By Chairman Voorhees)—We all are agreed that there should be, but what do we want of Emma Goldman? When we want to go to heaven we don't ask the devil the way. A. I know that: I am not particularly in favor of publishing these views.

Q. This is a quotation "But how shall this be done? This is a grave question which the world has put to leaders of thought in many fields of action, whose conclusions are herewith presented. It will be seen from the names of those who have written on the subject that the question has been treated from every important standpoint. The clergyman, the lawyer, the railroad president, the great employer of labor, the humanitarian, the labor leader, the bank president, the military commander and the anarchist discuss this question of the hour in its practical aspect. Here are those who have thus set forth their views on 'How Great Strikes Should be Settled.'" Then follows a list of the persons named, and that they can be found in the issue of that date, and that the views of many prominent men will be found in the appendix.

Q. (By Chairman Voorhees)—What is the appendix?

Senator Skirm—I understand Secretary Romaine to say they are not there; which is correct.

Mr. Romaine—The articles referred to will not appear in the report.

Q. The preface, after the comments which I have read, has the following: "Laws to be beneficial should serve the interest of all, the poor who know not where the next job and meal are to come from as well as the commercial cannibal in whom greed and selfishness are abnormally developed. Without that there will be growing discontent—

Chairman Voorhees—I think that refers to Skirm.

Q. "Without that there will be growing discontent, enforced idleness as well as enforced labor and sullen submission, capitalistic oppression, and finally military despotism in the name of law and order." What is commercial cannibalism?

Chairman Voorhees—Who is responsible for that utterance?

Senator Skirm—Why the joint Board, at \$30 a day.

Q. What is meant by that?

Chairman Voorhees—That is a fair question; this Committee want to know what a commercial cannibal is?

Q. Well, I don't wish to give any explanation of it.

A. (By Chairman Voorhees)—Will you, as a matter of favor to the Committee, oblige them by defining a commercial cannibal?

A. I take it for granted we all know what a commercial cannibal is.

Q. (By Chairman Voorhees)—I don't, and I asked Skirm if he was one, and he says he isn't? *A.* Well, a man who will live and fatten upon the miseries of his fellow-man.

Q. (By Chairman Voorhees)—That would be a social cannibal wouldn't it? *A.* He would be a social cannibal or commercial cannibal, it all depends upon what he is, what his position is in society.

Chairman Voorhees—I think that applies to you as a lawyer, Mr. Corbin.

Mr. Corbin—What?

Chairman Voorhees—That definition I think is very apt for us.

Mr. Corbin—I am not fattening.

Q. Listen to this: "Without that, there would be growing discontent and enforced idleness as well as enforced labor." What do you mean by enforced labor in this country, since the fourteenth amendment to the Constitution of the United States.

Chairman Voorhees—Mr. McDonnell knows what that is.

A. Yes, sir. Well, we all know what enforced labor is, I presume.

Chairman Voorhees—I don't.

Q. Isn't that clause drafted, instead of mediating and making peace between employers and employes, isn't it drafted and well designed to create discord? *A.* I think not, Mr. Corbin, but it simply refers to a class of people who have raised the cry, "Nothing to arbitrate."

Q. Hasn't that whole clause been copied from the utterances of some anarchist who is seeking to disrupt society? *A.* No, sir; not to my knowledge it isn't.

Q. (By Chairman Voorhees)—Emma Goldman? *A.* No, sir; you are greatly mistaken; no, I don't know that.

Q. Isn't the whole tenor of that towards misunderstanding between employers and employes instead of— *A.* I admit it may be a little strong; it may be too strong for the book; I admit that.

Examined by CHAIRMAN VORHEES.

Q. In a circular bearing your signature and addressed to me, and received by me, was a piteous appeal in behalf of the proletarian; please tell me what a proletarian is in this country? *A.* If you are to make a difference between them in this country and any other country, I will tell you.

Q. There is all the difference in the world, and you know it; now, as a friend of labor, you have no business to say that a laborer is an outcast of the lowest and vilest drug of society, and that is what a proletarian is; it is an insult to every working man in the State. *A.* Don't you know that they are made so?

Q. They are not made so; by the grace of God they are independent. *A.* I know what you mean, and I wish you were—

Q. It shocked me and grieved me; I couldn't believe I had a right idea what proletarian meant when I saw it over your signature—a friend of labor designating those with whom you work as being of the vilest outcasts beyond the vale of the law? *A.* I don't interpret it that way.

Q. That is what it means to every intelligent man. *A.* Yes, I understand what you mean, but a proletarian wage-worker, who is struggling for an existence—

Q. A proletarian never wages. Well, aside from that, don't you think that a little strong, too? *A.* Which was that?

Q. To use that word "proletarian" as to thousands of workmen in this State? *A.* I differ with you; I think not.

Examined by MR. CORBIN.

Q. Didn't you think the purpose of this act of 1892 was to create a Board who should try to bring employers and employes together? *A.* Yes, sir.

Q. And to establish a better understanding between them? *A.* Yes, sir; I did.

Q. And to allay the bitterness which existed? *A.* Yes, sir; I did.

Q. And try to make them see that they have interests in common? A. Yes, sir.

Q. Well, don't you think the language of this report has an utterly contrary tendency? A. Well, it is scarcely fair to judge the report by the preface.

Q. (By Chairman Voorhees)—That is spoken in a pickwickian sense in the report? A. Possibly.

Q. Isn't the purpose of that act rather to make labor more honorable? A. Yes, sir.

Q. Make him more self-respected? A. Yes, sir.

Q. More independent? A. Yes, sir.

Q. To create a better understanding between all men? A. We have endeavored to do that.

Q. (By Chairman Voorhees)—By calling them proletarians? A. You ask a hundred thousand workingmen in the State of New Jersey, and he will tell you he is a proletarian.

Q. (By Chairman Voorhees)—Then he is not an American? A. Yes, born American, not adopted American; they do, and there is no use denying it.

Q. You think this is a little strong, the way it is put? A. Yes, sir; I do.

PATRICK F. DOYLE, sworn.

Examined by MR. CORBIN.

Q. What is your residence? A. 16 Wayne street, Jersey City.

Q. How long have you resided in Jersey City? A. All my life; I was born there; 39 years.

Q. What is your occupation? A. Locomotive engineer.

Q. Employed by what railroad? A. Central Railroad of New Jersey.

Q. And you have been one of the members of the State Board of Arbitration? A. Yes, sir.

Q. Have you pursued your occupation of a locomotive engineer since you were appointed to that Board? A. I have, on and off.

Q. Well, explain what you mean by that. A. Well, a great many days I was out on business for the State.

Q. How are you employed as locomotive engineer, by the trip or by the day? A. We are paid by the mile; 100 miles constitutes a day's work; all over that is paid pro rata mileage, three cents and a quarter a mile.

Q. So that you were able to be away sometimes and yet retain your position? A. Yes, sir; the chairman called me out by telegram and asked me to go out on certain occasions—meet with the Board.

Q. Have you been able during these last two years to make substantially your normal wages as locomotive engineer? *A.* No, sir.

Q. How near to it? *A.* A great ways from it.

Q. Half of it? *A.* I never figured it up; I don't think so.

Q. It has taken more than half of your time, you think, in the duties of the Board? *A.* We are paid by the mileage; you lose a good many days that you can make if you were not out for the State.

Q. When you work by miles, isn't it true that in one day you make sometimes two days' work? *A.* Sometimes, yes, sir; I am liable to make three days or four days. A round trip to Philadelphia makes 181 miles, and a round trip to Point Pleasant is 122 miles.

Q. Which line do you run on? *A.* On the New York and Long Branch Division, at the present time.

Q. From New York to Amboy and Long Branch? *A.* Down through to Point Pleasant.

Q. How long have you been running on that line? *A.* Well, I couldn't state the date; I run the paper train when I first took this position as State Arbitrator; then I used to go out at 4:30 in the morning and come back, I think it was 10 o'clock in the forenoon; then the run was changed afterwards, and I went out some time in the morning and got through at 11:25; then later on it was 12:48, and then when I took this train I left at 8:25 and got through at 5:46; then they changed it and I got out the same time in the morning and got through 1:59.

Q. I observe that your bill is very similar to that of Mr. McDonnell, and that you went to Woodbine and Camden and Bridgeton and Trenton. Did you go of your own accord or were you called out by the Chairman to go? *A.* Called by the Chairman of the Board.

Q. Did you go alone or with others? *A.* I went alone sometimes and sometimes would meet the members of the Board which would meet Roberson, because he lived in Frenchtown, New Jersey; and sometimes I would meet Mr. McDonnell and the Secretary; they would come from Paterson to Jersey City.

Q. Did you make trips alone on the errands of the Board, or always in association with some of the others? *A.* I have made them alone; I was called out by different parties alone; then I called for the Board; in the big Lehigh Valley strike, I will state for your benefit, on that strike that the Grand officers—on account of me being a member of the Brotherhood of Locomo-

tive Engineers—they tried to get an audience with the officials of the Lehigh Valley Company, and they couldn't do it.

Q. The Grand officers of the Locomotive Engineers' Association? *A.* The federated body that is composed of the five organizations of the railroad organizations—the engineers, the firemen, the trainmen and the telegraphers—and they couldn't get any audience with the officials of the company, and they asked for the assistance of the Board, and we got it.

Q. Who asked the assistance of these Grand Officers? *A.* Then the second time—we went on that case twice; the first time we went on it, you know, they were not satisfied with the agreement that was drawn up, and they wanted three more propositions put on, and they asked the Board if they wouldn't go and get them three propositions, and we told them we would, and I think we were up there three or four days.

Q. Where was that? *A.* Bethlehem.

Q. With the New York Board and Pennsylvania Board? *A.* No, sir; the Pennsylvania Board was not appointed at the time.

Q. This that you did with the Lehigh Valley strike was done at Bethlehem? *A.* No, sir; not all.

Q. Chiefly? *A.* No, sir; it commenced in Jersey City, at Taylor's Hotel, in Jersey City.

Q. It commenced by your drawing the attention of it to your Board? *A.* Yes, sir; Mr. McDonnell communicated with them.

Q. I have allowed you to draw me off from my question, but I draw your attention to your bill of March 13th, 1893, and I see a charge for two days in one week to Trenton along in February down to March, and I see by referring to the calendar that that was Monday and Tuesday each time. You came down Monday afternoon, did you not, and attended the meeting of the Legislature, and went back the next day? *A.* Didn't come down for the meeting of the Legislature.

Q. I didn't ask you that; you came in, of course. *A.* I came down here for the chairman on official business of the Board.

Q. To meet here in the evening? *A.* No, sir.

Q. Well, afternoon? *A.* When we got through with our meeting we come down here, but we never come here for any meeting of the Legislature.

Q. It was the time of the meeting of the Legislature, Monday night; that you remember? *A.* I couldn't tell you the date.

Examined by CHAIRMAN VOORHEES.

Q. Where did you meet them? I am not reflecting upon your coming down on the call of the chairman, but I want to know

where you met? A. We got the Subway room; we asked for a room in the State House and it was a couple of weeks, yes, I will say three months, before we got a room. Finally they gave us the Subway Commission room, and we were there quite awhile; finally they put us out; then they put the State Board of Taxation in.

Q. These various nights, to which you refer, did you meet as a Board? A. When we had that room we met in that room.

Q. Will the minutes show that? A. The minutes ought to show that.

Q. What business came before the Board every Monday night? A. Whatever business was necessary.

Q. What was the nature of that business? A. Well, this press intelligence here, notifying the chairman of pending troubles in the different parts of the State, and the chairman would take action by informing the other members of the Board to attend a meeting.

Q. Then you would just simply come down and talk over a strike? A. And see what we would do; we could go right from the State House here, and go on the strike.

Q. It don't appear that you ever did that? A. I think you will see on the minutes.

Q. I mean from these bills; because you simply came here Monday night? A. Maybe that particular time we didn't do it, but I say there are times we went from Trenton—from the State House.

Q. Were you getting clippings at that time? A. I think we were.

Mr. Corbin—These bills show, if the Committee please, that, during the session of 1893, the committee met here on Monday and Tuesday, practically every Monday and Tuesday during the session, and these bills contain substantially nothing else.

Witness—Did it have me down here every Monday night?

Chairman Voorhees—Not every Monday night, but pretty nearly. January 16th the Legislature met: you were here; and the 22d, the next Monday, you were here, and the 25th and 26th you went to Bayonne; the 30th you were here (that is the next Monday); February 1st, 2d and 3d you went to Paterson; February 6th you were here (that was a meeting of the Legislature); the 13th you were here; 15th you went to Paterson. Then there was a week skipped. Then the 27th you were

here again ; March 6th you were here again ; March 8th and 11th, Jersey City. With two exceptions, you were here every Monday night.

Senator Skirm—The Legislature of 1893 closed on March 11th.

Mr. Corbin—Then that only omits one.

The Witness—I want to tell Mr. Voorhees about it. I didn't come down here to attend the session ; I come down here at the call of the chair to attend meetings of the Board.

Examined by MR. CORBIN.

Q. But as a matter of fact there was no strike going on, for you don't appear to have attended to any strike ? A. I guess you will find if you look at the clippings that there was something to do.

Examined by CHAIRMAN VOORHEES.

Q. Isn't it kind of funny that strikes always occurred on Monday and Tuesday ? A. You insinuate that we comedown here for a special purpose.

Q. No, what I did mean—you may have come here honestly so far as the call was concerned, but the truth of the matter was there was nothing for the Board to do ? A. I had a harder time to get here than the other members.

Q. But what I do mean to say is this, that it was kind of strange that the Board should have been called together on these particular days, when absolutely there was no evidence—there was no strike which necessitated their being called together. A. There was something transpired at that meeting or I would be the first one to call down the other members.

Q. You were called down here to listen to the guff of the Chairman probably ? A. No, I had business.

Q. I don't mean to say that you ran away with more money than you were entitled to ? A. No, I think my bills are all right.

Examined by MR. CORBIN.

Q. I see these bills are all in the same handwriting, and a very nice one, too, by the way. Who wrote them ? A. That is Secretary Romaine's writing.

Q. He made out the bills for all three members of the Board, as well as his own ? A. Yes, sir, and the President signed them.

Q. I see you have an engraved bill-head. Where did you get

that, the prettiest piece of State printing I have seen; it is a beauty?

Chairman Voorhees—What about the cost?

Q. There is a bill of \$265 to which I will call your attention?

A. That was for all the stationery and certain other letter-heads of a similar character; it is very fine.

Chairman Voorhees—It ought to be.

A. A resolution passed the Board to get the bill-heads and stationery for the use of the Board.

Q. Did you have a pass to come down on? A. No, sir. I want to tell the members of this Board that I heard I was accused of having passes. There were three passes sent to me the first of this year, "as requested." Now, I didn't request any railroad company to send me a pass, not my own company, and I sent them back and thanked them very kindly; and I told them, under the opinion of the Attorney-General, that I was not allowed to take them; I received mileage.

Chairman Voorhees—That is certainly to your credit, and it ought to be known; that is a sort of gleam in all this proceeding.

Senator Skirm—And the first gleam.

Chairman Voorhees—That is certainly to your credit.

Q. Your trips to Paterson, and Lake View, and Newark, and elsewhere, were when you were sent for to go, by the Chairman, were they? A. Called by telegraph; often times I would go home and a telegram would be sent to the road man where I worked, and I wouldn't wait to go home; I would go right to the place right away; Mr. McDonnell would say it was important.

Q. When you say you hadn't passes over your own railroad, you ride free, do you not? A. I do on the company's business.

Q. Well, coming to Trenton, for example? A. No, sir; the State business, I pay my fare; I travel on the Pennsylvania generally.

Q. But if you happened to go by the Central you wouldn't pay, would you? A. You try it as a railroad man, you will find how quick you will travel.

Q. (By Chairman Voorhees)—They have revoked that privilege? A. Certainly; the conductors are not allowed to carry anybody on the Reading Road; a man is liable to be suspended, as well as a man running a locomotive, for carrying anybody.

Q. If you come to Trenton by the Central Road you would have to pay your fare? A. You could only get as far as Bound Brook.

Q. And do you have to pay? A. I don't come that way.

Q. Suppose you did, would you have to pay? A. Well, I don't know; I suppose I would if I went with some conductors; yes.

Q. Is there any rule of the road about it? A. Yes, sir; the rule is not to carry anybody; if you want a pass you will have to send to the office for it, and the company will give you a pass.

Q. And you didn't apply yourself for it? A. You can go down to the records of the Company; I never made application to the Company for a pass, only for myself and wife if I wanted to go anywhere. If I come to Bound Brook and then come to Trenton and rode on my own road, you want to know whether I paid anything?

Chairman Voorhees—You have got it; you have not answered it yet.

A. I told you that a certain man there I couldn't ride with; they wouldn't carry their grandmother.

Senator Skirm—Then why don't you answer yes or no. A certain man might never be on the train, and you might come with some other certain man. Why don't you answer the question?

Q. If you pick your train you could get through without paying anything, couldn't you? A. I don't know as I could.

Q. You would take a contract to do it if necessary, wouldn't you?

Chairman Voorhees—We won't give the fellows away; we won't ask you their names.

Q. You didn't go off on these errands of your own accord, but went only when to do so by the Chairman? A. When called to to do so by the Chairman.

Q. I see that your bills amounted in 1893 to \$1,895, and in 1894 to \$2,220. That is substantially right, is it? A. I believe so.

Q. Do you remember any strike which your Board succeeded in composing and settling between the disputing parties? A. Yes, sir.

Q. Name it. A. I will name the Lehigh Valley strike.

Q. Did your Board settle that strike? A. Yes, sir; with the conjunction of the New York Board.

Q. Is there any other? A. Yes, sir.

Q. Name it. A. The strike at Woodbine.

Q. What was that? A. The cloak makers. The operatives there were driven out of the factory, and we went on the case, and when we found that the superintendent of the factory was taking the tag off of every fourth garment and getting the benefit of it on his own book, and when the employes found fault with it

he discharged them and told them to get out; and so they went on strike, and sent a committee to New York, and the proprietor ordered them out of the place; so we had an investigation and gave a decision on to it, and when the proprietor read the decision and found out how it was that the superintendent had taken the tag off every fourth garment, he discharged the superintendent, and then he asked the Board what was the best thing to do, and we told him; the thing was fixed up, and I think he has put another factory up since.

Q. There was no agreement of the two parties submitting it, but after you had gone over it it was acquiesced in? A. Yes, sir.

Q. Did the employes acquiesce? A. Yes, sir.

Q. They went back to work? A. Yes, sir. And there was a case in Hoboken.

Q. Did you put in any Sundays? A. I think I put in some with Commissioner Feeney, of the New York Board.

Q. What was the stress up at Paterson of so many days? A. That wasn't at Paterson.

Q. Where was that work done? A. I think Taylor's Hotel, with Commissioner Feeney; Mr. McDonnell was there, I think, at the same time.

Q. Who was striking then? A. The Lehigh Valley; we were to decide on what action we were to take.

Q. When you were charging up a day for work for the State. I suppose, if you did anything on that day, you would charge a day, wouldn't you? A. Yes, sir.

Q. I don't see any half days charged here? A. I will tell you how that come; we asked the Comptroller if the State recognized a part of a day, and he said it did not.

Q. (By Chairman Voorhees)—Then he spoke as a lawyer? A. I suppose he spoke as a lawyer.

Q. What Comptroller told you that the State didn't recognize a part of a day? A. He told the Secretary, when he went with the bill; that was Comptroller Heppenheimer.

Q. Then if you did anything on one day you charged ten dollars? A. Yes, sir.

Q. If you communicated with Mr. Chairman McDonnell by telephone to Lake View about the Lehigh Valley strike, you charged ten dollars? A. No, sir.

Q. You have heard what he said here, that a good deal of settling was done by telephoning. Your report says so, which you signed? A. He might confer with a dozen people in a day.

Q. Suppose you had to confer with one or two, wouldn't you put it down on your bill? A. If the chairman of the Board called

me to confer with him, meet at Jersey City or Paterson on certain occasions, I certainly put that in.

Q. If you went to do anything yourself alone, or conferred with him by telephone, didn't you charge for a day? *A.* I did; yes, sir; when he called for it.

Q. (By Chairman Voorhees)—Did you keep a book of entries showing when you served the State as a member of the Board? *A.* I did for a while.

Q. (By Chairman Voorhees)—And then Romaine kept it afterwards? *A.* Yes, sir.

Q. He is the man who got out all the bills? *A.* Yes, sir.

Q. Did you give him any information showing that you were entitled to three dollars a day for expenses? *A.* I would make a statement out to him and itemize the whole thing—that is, on the items what we spent for, one thing another—but told him where I was with the other members of the Board, and he would figure how much pay.

Q. When you turned in your expenses, \$3 a day, did you spend exactly that sum? *A.* It wasn't always \$3 a day; sometimes it was over, and I didn't put in that much.

Q. Three dollars a day is a pretty good allowance just for one meal? *A.* Yes, sir; I have seen where we got a carriage, and in one particular case where we went down to Bayonne, and that cost \$8, but we didn't put in the bill for it.

Q. In all cases that you charge expenses these are your personal expenses? *A.* Yes, sir; went in on the bill of expense.

Q. You go to a hotel and get \$3 worth of grub? *A.* Not in that case, no.

Q. I show you a bill, Huber & Walter, for \$256.10, paid May, 1893? *A.* Mr. Secretary will tell you more about that.

Q. That was for blanks used in your duties, was it, or to be used? *A.* Yes, sir.

Q. And these bills here for interpreters at West Hoboken; what occasion did you have for interpreter at West Hoboken? *A.* The people there couldn't speak the English language.

Q. What was the trouble there? *A.* Strike of silk workers.

Q. I see a number of bills here for hiring of horses in Phillipsburg and Jersey City? *A.* Those were all at the investigation; they are sworn to.

Q. I know they are; most of them are not, but some of them are. *A.* I guess the Phillipsburg hire and Jersey City hire was sworn to.

Q. What was the occasion for hiring? *A.* The investigation;

it was the silk strike in Phillipsburg, and the strike in Jersey City was the New York and New Jersey Telephone Company.

Q. Any testimony taken? A. Yes, sir.

Q. Did you often do that? A. I couldn't tell the number of times.

Q. What was your procedure: did you just call in the strikers and put them on the stand? A. Call for them possibly.

Q. That is, give notice to both parties? A. Yes, sir; subpoena them.

Q. As a matter of fact, no case of over one party attended before you? A. No, sir; only one case where that happened; that was in Bridgeton, and the counsel there for this glass company took exceptions to the Board issuing subpoenas compelling witnesses to testify; he said he would give the information, but he wouldn't testify under oath; so we couldn't go any further in the case. He asked us who made the law—Mr. Potter, and we told him Governor Leon Abbett, and he said he was surprised.

JOSEPH P. McDONNELL, recalled.

Examined by MR. CORBIN.

Q. I see bills here for furniture, Lockwood Brothers, \$90; where was that for? A. That was for two desks and two chairs.

Q. For what place? A. For the office, and for the Secretary's office—private office.

Q. Where? A. In Paterson, Lakeview, in the office—regular office of the Board.

Q. I notice other bills after; they are the same, I suppose? A. Those have been returned to the State.

Q. Those were placed in your house, or in the office? A. In the office—in the regular office.

Q. That is, in the newspaper building? A. Yes, sir.

Q. I show you this bill of Huber's, which I spoke of, for printing various blanks; for instance, 500 agreements to settle differences; none of those were ever required, were they? A. Yes, sir; some of them.

Q. Did you not tell us that there never was a signed agreement? A. Well, there are different kinds of blanks; I couldn't explain them unless I had the blanks with me; they ought to be here; they were shipped a couple of days ago.

Q. Five hundred employers' applications; what does that mean? A. Application for mediation or arbitration of the Board.

Q. Were those ever used? A. I don't believe any of the employers' were, but the applications of the employes were in many

cases; they have been returned here, and the desks and everything.

Q. I see bills for carriage hire at \$5 a day in Paterson; what was the occasion of that? *A.* Well, I got it during some of the large strikes, when it was necessary to go from one of the employers to the employes, different places where they met, in bad weather, in order to facilitate matters and bring the people together; it was very rare.

Q. Here is furniture from Corts & Delahey, of Hoboken; walnut bookcase? *A.* Yes, sir; that has been returned here.

Q. That was for your blanks? *A.* Yes, sir.

Q. This letter attached; that is one of your engraved letter-heads, is it not, of your Board? *A.* Yes, sir.

Q. That is another one, of another style? *A.* Yes, sir.

Q. Don't you think this whole arrangement was conducted on a rather extravagant plan? *A.* Well, we simply followed the example of Massachusetts and New York, the Boards of those States; we communicated with them and received copies of their blanks and information from them respecting their methods.

Q. (By Senator Skirm)—I see here the first charge on this engraved bill here is "Engraving and lithographing 1,000 letter and 1,000 note-heads, \$34.15, and 500 envelopes at \$22.70, and 2,000 cards, 500 each of Messrs. McDonnell, Romaine, Doyle and Roberson, \$20, for those three items; then there is 2,000 letter-heads here at \$18.20, and envelopes again at \$40.25. Isn't that rather high priced for that sort of work? *A.* Well, for that kind of work, I think not; I don't know much about that class of work; I am not engaged in it.

Q. (By Senator Skirm)—Here was 2,000 cards, 500 for each member of the Board, a thousand letter, a thousand notes, with engraving—that is nearly two cents a sheet for the letter sheets? *A.* That is special work.

Q. Doesn't it strike you that that kind of extravagance would be likely to impress laboring men who are anxious to have their condition bettered rather unfavorably? *A.* We must first come to the conclusion that it is extravagant.

Q. I don't think that bill needs much argument. I don't see any such stationery in the State House, not even in the Legislature. *A.* I am not engaged in that class of work; that is entirely a different class of work; but if Mr. Huber or Mr. Walter, the two members of that firm, were here, they could explain it; I am sorry they are not, but I don't think that is very extravagant if you want decent kind of work done.

Mr. Corbin—I have prepared a schedule showing the amount drawn by the three commissioners and the clerk, which I will submit for the stenographer to place in the record.

Mr. Roberson's drafts were about the same as the others. In 1893, \$2,114.02; in 1894, \$2,200.41. The secretary, Mr. Romainé, in 1893 drew \$2,124; in 1894, \$2,604. This is the schedule which I would like to hand up.

JOHN W. ROMAINÉ, recalled.

Examined by MR. CORBIN.

Q. When these meetings were held at Trenton did you come, too? A. Some of them; whenever called by the chairman.

Q. And when they were held at Paterson or Lakeview, were you there? A. Yes, sir.

A. I show you bill of February, 1895, which I picked up at random, for work done in January. January 3, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17 and 21, at the office, working on annual reports for 1893 and 1894, and also engaged on other Board work. What is the report for 1893 and 1894 that requires so much time? A. Well, it is in the hands of the printer, if any one will get it from there.

Q. Can't you state; we can't get it from the hands of the printer, but, as you prepared it and got paid for it, you ought to be able to state what it is? A. I can state this, as far as the number of cases were concerned; I think about 135 or 140 have been investigated by the Board, and it is the record of the proceedings in each of those cases.

Q. Did you copy it from your minutes? A. Yes, sir; some of it from the minutes and some from other records.

Q. Your preface here states that 61 cases were considered by the Board. Is that correct? A. 61—130 odd altogether.

Q. It says 122 came to your knowledge, but you considered 61? A. Yes, sir.

Q. I see in some of Mr. McDonnell's bills this: "At Lakeview, considering strike." Now, when you staid at home and thought of it in that way, did you charge that? A. Mr. McDonnell is here and can answer for himself. You don't find any such charge as that in my bill.

Q. Well, "considering" wasn't one of your duties? A. No, sir.

Q. (By Chairman Voorhees)—But you were with him while he was considering? A. Not always.

Q. (By Senator Skirm)—Your charges are simply beyond McDonnell, forty-one days, and his is only nineteen. A. I had to do all the writing for the report.

Q. Did you do it yourself or with a stenographer? A. I did it myself: I didn't have the pleasure of owning a typewriter.

Q. (By Chairman Voorhees)—You could have hired it done for about— A. I am sorry I didn't now. We tried to get that done through the Comptroller, and he said he would allow us a hundred dollars.

Q. A hundred dollars for what? A. To have the report printed or typewritten; but we found the best estimate we could get amounted to \$296, and he objected to that amount, and consequently we had to do it.

Q. This report of 1895, signed by the Commissioners and yourself, seems to be complete and refers to the schedules annexed; isn't all the rest of the report in the nature of appendices to this? A. No, sir.

Q. There is a longer report signed? A. Yes, sir, which covers in detail, and the testimony taken in detail.

Q. And the testimony appended? A. Yes, sir.

Q. And has that gone to the printer? A. Yes, sir.

Chairman Voorhees—You had better stop that printer right off.

Witness—We have not sent it to the printer; the Comptroller sent it.

Chairman Voorhees—I mean the Comptroller had better stop the printer. Have these clippings also gone to the printer?

A. No, sir.

Q. Did you print any clippings? A. No, sir.

Q. Any quotations from writers? A. Some.

Q. I see there is here a quotation of Max Muller? A. Yes, sir.

Q. Is that an excerpt of Max Muller? A. Yes, sir.

Q. Then the report contains the testimony taken and an account of what you did in each case? A. Yes, sir.

Q. And certain excerpts from writers? A. Well, very little of that; of course, they were all taken from what was written at the time.

Q. Does it contain any further sayings of your own Board except what are here? A. No, sir.

Q. That is all the original matter that we have here? A. That is merely the introductory.

Q. Well, the rest of it is all copied testimony, or proceedings or quotations? A. Yes, sir.

Q. Then the entire original matter is now before us? A. Yes, sir.

Chairman Voorhees—He don't mean that.

Mr. Corbin—I think the reading of this report will show that.

Q. (By Chairman Voorhees)—Did it take you forty-one days—

A. No; there is of manuscript about that much in height of paper—writing.

Q. It isn't original matter? A. It was original matter that was given by witnesses.

Q. (By Chairman Voorhees)—You could hire a typewriter for thirty dollars a month to have done it? A. Not a very excellent one.

Q. (By Chairman Voorhees)—You can get them for \$15 a week, that is \$60 a month? A. Not up our way.

Chairman Voorhees—Well, things do come high up your way.

Q. In furnishing this report to the Comptroller, did you append to your report the original transcript of the testimony which you had on file, or did you make a copy for the Comptroller? A. Made a copy.

Q. And it is that for which you have been paid? A. Yes, sir.

Q. Then you were getting ten dollars a day as a copyist? A. Yes, sir; writing it out.

Q. Is that so? A. Put it any way you can; it is the wages when I did a day's work.

Q. That is high wages. I know many a poor devil who would be willing to do it for a dollar and a half; many of the laborers that you have been representing would have thought it a God-send to have written that for a dollar and a half a day. A. So have I, but I don't do it any more.

Q. (By Chairman Voorhees)—You have been in the employ of the State? A. For the first time.

Q. This report which we have here before us in print is dated January, 1895, and I assume was sent in at the opening of the Legislature? A. Well, it wasn't delivered to the Comptroller until, I think, in the fore part of February.

Q. Now, the charges for the preparation of the report continue on until about the first of March. I don't understand how that could be so. If you were writing out this testimony, what did the members of the Board have to do about the report, after this

report of January hadⁿ gone in? A. The members of the Board went over all the cases after I had written them up.

Examined by SENATOR SKIRM.

Q. What was the necessityⁿ of their doing it, and you as clerk of the Board—what was the necessity of these gentlemen going over and comparing your work? A. I have nothing to do with it.

Q. You had no reason? A. I don't know what reason they had.

Q. What reason had you—weren't you a sufficient copyist? A. I was directed by the Board.

Q. You wait until I ask you a question. Weren't you sufficiently able to copy that without these other gentlemen at ten dollars a day going over it? A. Yes, sir.

Q. And yet they compared your statement after you had done it. A. They read it over, and made such corrections of the testimony—

Examined by MR. CORBIN.

Q. Doesn't it strike you that ninety-eight days charged up here to the State at ten dollars a day, expense of preparing that report and schedules, is rather an extravagant charge? A. Well, I don't think so, sir. I had to work, and certainly as long as the law gave me a right to that charge I—I don't say if it hadn't been in the laws I would have done it.

Q. (By Senator Skirm)—What was the occasion of stopping at the time you did in making up this report?

Chairman Voorhees—What do you mean—it ought to be going on yet?

Senator Skirm—I want to know. Because the report went in to the Legislature in January, and they kept it up until the first of March; I want to know why it ceased, why it didn't continue during the month of March.

Mr. Corbin—The Legislature adjourned.

Senator Skirm—I supposed there was some reason.

Witness—That report was charged before the Legislature adjourned.

Q. I find that your charges substantially all run like this: "October 1st, 1894, Lakeview to Camden, 109 miles travel, \$4.36; expenses, \$3.25." The next day, "Camden to Lakeview, 109 miles, \$4.36; expenses, \$3.05. Lakeview to Newark and return, 28 miles, \$1.12; expenses, \$3." "At office," next day,

"general work; at office, general work"; no expenses there. "Lakeview to Passaic and return, 10 miles travel, 40 cts.; expenses, \$2.75." Now, what could you make out in the way of expenses in going down to Newark, \$3, or to Passaic, \$3? How could you explain it? A. If you get two or three meals a day—

Q. Didn't you get breakfast before you started for Passaic? A. Sometimes.

Q. Don't you get supper with your wife after you get home at night? A. No, sir.

Q. Well, you ought to. A. How do you know but that maybe I have got no wife? My wife is dead.

Chairman Voorhees—Don't you know that the duties of this position were such that he couldn't get back until 11 o'clock?

Q. But that is not once; that is daily: \$3.10, \$3.25, \$3, \$3.15. When you travel from Lakeview to Paterson, which is only four miles out and back, you charged \$3.15 for expenses? A. That depends upon what you have to do, when you get through; if you didn't get home before midnight.

Q. Didn't eat two or three dinners? A. I generally eat what I want when I get hungry.

Chairman Voorhees—Did you get outside of \$3.15 worth at one time?

A. I can't travel short of three or four dollars a day.

Q. Mr. McDonnell has testified that the office of your Board was at his printing office, which was right alongside of his house?

A. Yes, sir.

Q. How far from that is your boarding house? A. Well, about one hundred feet.

Q. What occasion in traveling that distance was there in spending \$3.15 for dinner? A. You don't find \$3.15 for dinner.

Q. It is all Paterson, isn't it? A. We live at the extreme southern end of the city—South Paterson.

Q. You charge up four miles, and I assume you have got the miles right; that is two miles down and two back? A. Yes, sir; I think it is more than that.

Q. Suppose you did get into the trolley car and ride eight miles on the trolley; what occasion was there for spending \$3.15? A. I can't tell you.

Q. (By Chairman Voorhees)—Was there another strike down at Paterson? A. There were strikes there all the time.

Senator Voorhees—I should think there were.

Q. I am not speaking of any particular day which you can't remember, but I find this goes on for every day that you have

charged the State; that you have charged from \$2.90 to \$4 for these expenses? A. Very seldom four dollars.

Q. Here is one \$4.10, right before me. You went from Lakeview to Newark and returned, 28 miles, \$1.12. What is the excursion fare, down and back? A. I couldn't tell you.

Q. And the next day \$2.95, in Newark. The next day in Paterson, \$2.70. It will average more than \$3. Did you spend any such amount as that for dinners? A. Spent it for dinner or other things when I went off.

Q. What were "the other things"? A. I don't know; a great many things; car fare—

Q. But you have got twice as much car fare as you want now? A. Yes, sir; I don't complain of that—for meals.

Q. (By Chairman Voorhees)—Now, what were the other things? A. Well, I couldn't tell you now any particular day; you have traveled yourself.

Chairman Voorhees—I didn't have to spend that much.

Q. Here is another way of looking at it. You got first your ten dollars a day? A. Yes, sir.

Q. You got four cents a mile, and by looking this over you will see that your mileage was enough to afford you ample means to have paid for lunches and dinners, and yet you have added over three dollars a day? A. The law says we are entitled to our actual expenses. In consultation with Governor Abbett at that time, when we first started to make out bills, he fixed the amount at about three dollars a day.

Q. (By Senator Voorhees)—Then you were ahead of the game if it didn't cost you three dollars? A. It generally cost us more than that.

Q. You don't want us to believe that it cost more than that and you didn't get it out of the State? A. It generally cost us more than that.

Chairman Voorhees—Will counsel kindly note there is another ray of sunshine?

Q. We all know that an ordinary luncheon in New Jersey costs from fifty cents to a dollar. How could you spend \$3 a day unless you bought wine at the expense of the State right along? A. No, sir, never had any wine; a commoner drink is good enough for me.

Examined by CHAIRMAN VOORHEES.

Q. Was it beer? A. We have the credit on my side of the house of drinking whiskey; I suppose I may as well take my share of it.

Q. That is "the other things"? A. That is what all good Democrats do.

Q. That is "the other things"? A. That may be.

Q. Then you spend one dollar for lunch and two dollars for whiskey? A. No, sir, not that quantity; you might put it the other way.

Q. Two dollars for lunch and one dollar for whiskey; that was ten drinks. After you had taken ten drinks could you do any State business? A. Probably the State business was over.

Q. How did you get home? A. I never was carried home.

Q. Now, as a matter of fact, didn't you treat some friends? A. Well, I don't think the State ever paid that.

Q. I mean in that \$3 didn't you treat some friends? A. No, sir.

Q. That is for drinks and solid food? A. I can afford to pay for my own.

Q. For liquid and dry goods you paid three dollars? A. (No answer.)

Examined by MR. CORBIN.

Q. I understood you to say that some conversation was had about this with Governor Abbett? A. Yes, sir.

Q. And he indicated that three dollars a day would be about right? A. Yes, sir.

Q. And you have charged three dollars a day, about? A. Yes, sir; we did charge—

Examined by CHAIRMAN VOORHEES.

Q. Didn't you make up these bills generally for the other members of the Board? A. Yes, sir.

Q. Did you have any data given you from which you made up the expenses? A. From each individual; yes, sir.

Q. Isn't it surprising that they should come out on the even quarters and halves? A. I am glad they did, because it was more convenient for me.

Q. It was easier for you to figure it up? A. They gave me their own statements, and I made up the bills from their own statements, each individual member.

Q. (By Senator Ketcham)—Did you settle this strike of the hatters in Newark; they had a long strike there? A. No, sir; we didn't.

Q. (By Senator Ketcham)—There was a general complaint that you didn't settle it? A. We occupied a great deal of time, and just about when we were arriving at a settlement there was

some of the workmen stoned the factory of Yule & Baglin and spoiled all the work of the Board. Had it not been for that, we would probably have arranged that matter.

Q. I get it that there are only three strikes that have been settled? *A.* A great many more; the garment workers of Newark.

Q. Now, the next one? *A.* There is the Lehigh Valley, and Adams & Co.; that is in Paterson, silk and cotton weavers; they had two strikes there; and Woodbine cloak makers, and granite cutters; that is all that I recall now.

Q. That is about all there are. One of your circulars sent to me simply said that; I read them all over; but where you were brought up to any existing difficulties, there were six of those. *A.* If you have it in writing, that is correct; but as I say, the record will show for itself on those matters. Of course, a great many of these strikes have been investigated and—

Q. I know; you could simply recommend? *A.* Yes, sir.

PATRICK F. DOYLE.

At the public hearing I didn't get a chance to defend myself. There was an article in the press saying that one of the members was drunk, and I hope there is nobody on this Committee or in this State thinks that was me. I didn't have a chance to defend myself, and one of the papers said that one of the members of the Board had no reputation.

Chairman Voorhees—It is pretty safe to say that a locomotive engineer has a reputation for sobriety or he couldn't hold his position.

ASHER E. LAMBERT, recalled.

Examined by MR. CORBIN.

Mr. Corbin—Some weeks ago the Committee took up the matter of the printing of public documents and made an inspection. I have had an estimate made of the amount on hand of the different publications.

Q. Mr. Lambert, have you made a measurement and computation of the quantity on hand in the basement of the State House? *A.* Yes, sir.

Q. What did you find the quantity to be of loose documents in pounds? *A.* 4,344 cubic feet; there were 217,200 pounds.

Q. About 109 tons? *A.* 108½ tons.

Q. Did you take any account of the bound documents? *A.* No, sir; I found about 500, I think, of the bound documents.

Q. And there are other bound books in large quantities, are there not? A. Yes, sir; very large.

Q. And did you take any account of the unbound documents which are in the vaults of the State Board of Assessors and others? A. No, sir.

Q. So that what you have given us, the 217,000 pounds, is simply what is loose lying in the cellar? A. Yes, sir.

Q. You have made a measurement of the entire quantity? A. Yes, sir.

Q. Then did you weigh a part? A. I weighed a cubic foot and it weighed exactly 50 pounds, and I made a calculation from that.

EDWARD P. WAITE sworn.

Examined by MR. CORBIN.

Q. Have you assisted in making up a list of the public documents on hand in the State House? A. Yes, sir.

Q. And have you made a schedule of those remaining from 1888 to the present time? A. Yes, sir.

Q. Showing the number originally printed and the number remaining over? A. Yes, sir.

Q. And also the cost each year? A. Yes, sir.

Q. Is this the schedule? A. Yes, sir.

Q. Who assisted in making it up? A. Mr. Bechtel—that is, in taking an account of stock.

Q. This is taken from the stock actually found on hand downstairs? A. Yes, sir.

Q. Well, does this include everything? A. No; that is what is called the “over.”

Q. What is called “over” is what is now left on hand? A. Yes, sir.

Q. Have you got them all, or are there some bound ones that you have not got? A. I suppose there are several thousand bound ones that I haven’t got.

Q. How about those there in the vaults of the State Board of Assessors, and others? A. I haven’t got those.

Q. This schedule simply shows what are loose in the cellar of the State House? A. Yes, sir.

Mr. Corbin—I will offer this schedule for the inspection of the Committee, and as illustrative I will call their attention to some of the items. For instance, in 1888 the State Board of Assessors had printed 6,000 copies of their report, of which 3,000 are still on hand. In 1889 they printed 6,000 copies, of which 2,500 re-

main on hand, loose in the cellar. In 1990 they printed 6,000, of which 3,500 remain. In 1891 they printed 3,000, of which 1,000 still remain.

Chairman Voorhees—Let me ask you by whose authority were they printed?

Mr. Corbin—The printing of the documents? By the act of 1877 it was provided that such of the documents only as the Joint Committee on Printing of the two Houses should determine should be printed, and this joint committee of the Legislature was accustomed to meet annually and decide what documents should be printed, those that were of the most importance. That act was in force until 1883, when a new act was passed, repealing all former legislation incident to that, and providing that thereafter the laws should be published, and the journal of the two Houses should be published, and the Comptroller should advertise for bids for publishing them, and he should also advertise for bids for printing the public documents, and thereafter only such documents should be printed, in such manner and in such quantities, as the Legislature should determine in the session of that year.

Now, as a matter of fact, I understand the Legislature adjourned that year, 1883, without designating how many of the documents should be printed, and that this practice has grown up. The Comptroller has each year, after the Legislature has adjourned, called the Joint Committee together, just as he did under the old law, and that Committee has taken last year's schedule and made up a new one, and from that time to this the documents have substantially all been printed.

Chairman Voorhees—And in spite of the expressed provisions of the law?

Mr. Corbin—They have been printed under the authority of that Committee; the Legislature has not acted.

Chairman Voorhees—The Legislature delegated to this Joint Committee the power?

Mr. Corbin—No. And I may say that everything that is sent here in the way of documents, with the appendices and schedules and everything else accompanying them seems from that time to this to have been printed. The law says that such parts of these documents as are printed shall be printed in one volume. They have grown to such a mass that I believe this last

year they comprise five fat volumes of twelve or fifteen hundred pages apiece. These seems to be no supervision in the way of excluding certain parts of them, but, in fact, the only discretion that is exercised by this committee being to say how many shall be printed; and so it has gone drifting along to this day, the Legislature not designating each year as it ought to do. That act of 1883 manifestly requires and contemplates the passage of an annual bill or an annual joint resolution designating what documents or parts of documents, and in what numbers, and in what manner they shall be printed.

Chairman Voorhees—And that shall be done by competition, as I understand?

Mr. Corbin—Yes, upon competition. Well, now, the Comptroller does open the matter to competition by inviting bids for all that is done, but he invites bids to print these not only in English, but in the German language; and some of the largest documents printed in the State, like the State Geologist's Report and the Board of Health Report and the Board of Education Report, have been printed in the German tongue. Some documents have been printed in the Italian language, and the Comptroller and the Committee have advertised for much of this printing, which I must submit, in the absence of any legislation, seems not to be contemplated by the act of 1883. Now it seems further, than that, that documents have come in from various Boards or Commissions in the State after the printing has been given out, and it has been the practice of the Comptroller to send these documents to some printer, a current printer or some other, and have them printed. Personally I cannot find any authority of law for that proceeding.

Chairman Voorhees—Do they claim that there is?

Mr. Corbin—I don't know. There is the sanction of custom, but I am stating to you the practice.

Chairman Voorhees—A custom that has grown up in spite of the expressed language of the act, which says that the Legislature shall do it.

Mr. Corbin—That seems to be so. The act of 1883 is very explicit, "and such documents, and such manner, and in such way as the legislature say, are to be printed."

Chairman Voorhees—I have no doubt at all that the Legislature would set down, without hesitation, upon the printing of this State Board of Arbitration report, because it so utterly useless. Yet I understand that that would be printed as a matter of course, and hundreds of copies of it go down into the cellar and lay there.

Mr. Corbin—I want to say this, that this printing that has been given out by competition throughout the state has been done at reasonable prices; the competition is somewhat sharp. But the printing that is given out afterwards is another matter.

Senator Skirm—Not on the same price?

Mr. Corbin—No, sir; moreover, it does not go to the same printer, even; moreover, the printing in German is at a very different price. You will find contracts on file here for setting up the English at 23 cents per thousand ems, and you will find right along there, in some of those, 81 cents paid for setting up these German reports. These German reports are all lying in the vaults now. I may say to you, about the Geologist's Report of 1893, I don't know that a single volume has been published. Mr. Smock told me yesterday he didn't know that that had been printed, and those books cost this State many thousands of dollars.

Now, there has just come into the State House here the other day a public printing in German of the school report of 1893. It is in two parts, which I will show you in a minute. The first part is a very fat one, as you will see. Now, that is part one of the Board of Education report; there are 1,000 copies; that one volume cost this State \$12—they cost \$12 apiece. This little one is cheaper; there were a thousand of those printed, just came in the other day, costing \$6.30, or \$6.30 apiece; so that to get one complete report of the School Board of 1893, it cost this State \$18.30. Now, these German editions seem practically to be unsuccessful publications; they do not go, and they have staid here to the present time in thousands, and I believe the Custodian within the last few days has been sending some of them out to the German newspapers to secure their aid in circulating them, and to see if we can't make the people take them.

Chairman Voorhees—Chromos?

Mr. Corbin—I don't know about that ; but they have not been circulated ; they are here ; editions here which are absolutely unpacked, as I am informed.

Q. Did you make up this schedule of the German reports on hand ? A. Yes, sir.

Mr. Corbin—With regard to this matter, I should add that there is a certain amount of printing done which is ordered by the Legislature itself. A vicious custom has grown up on the first day of the session for a member to rise in his place and, before the House is fairly organized, move that so many thousands of the Governor's message be printed in the Italian tongue or the German language, in such a *Zeitung*, in such a town ; and he doesn't get off his feet before another member rises and wants to print it in the *Arbeiter-Zeitung* from some other place ; so that a lot of printing of that sort is, by resolution of the House, ordered. It is very questionable whether some of that is lawfully ordered. The Houses, I suppose, have a right to order from the current printer any part of their proceedings, but most of this stuff is ordered, and I shall, before we get through with this subject, show you resolutions put through here in 1891 and 1892 where a single resolution carried a matter of \$15,000 or \$20,000 worth of printing.

Chairman Voorhees—And outside of such printing as was necessary and proper for the conducting of the Legislature. I imagine the printing for the use of the members for facilitating the Legislature would be within the law.

Mr. Corbin—Undoubtedly. The Governor's message should be printed, and it is printed before the Legislature meets ; then the House orders it printed, there is another edition ; and the Senate, there is another edition ; then it goes into the House Minutes, there is another edition ; then it goes into the Senate Journal, there is another edition.

Chairman Voorhees—And every newspaper in the State wants an advance copy.

Mr. Corbin—And it goes into the book of documents, and there is another edition ; how many editions the State pays for I couldn't tell without figuring it up.

Now, the abuses that have grown up in connection with this subject are chiefly due to the Legislature itself.

I think that the course pursued by the State Officers in these last few years in acting in advance of the legislative order is questionable, but the trouble is with the Legislature. This loose printing that is ordered here, and then leaving the subject all these years without correction: and I want to say this, furthermore, that you don't know what the printing is costing you. You can take the Treasurer's report and turn to this last year, 1894, and under the head of printing you will see, if my memory serves me right, sixty odd thousand dollars. You take every account in there almost and look through it and you will find printing, and add them together and you will find that the printing for this last year is about \$110,000. To that must be added the publication of the laws, and if I am not mistaken in my figures, \$200,000 will not pay the printing of this State for the year. It cost, if I have read the figures right, more than any other branch of the government; the entire judiciary expenses are less; the legislative expenses are less; the lunatic asylum expenses are less; the State prison does not cost half as much.

It has gone this length because it is hidden in so many places that nobody seems to observe how the State's money is going in this direction. Now, there is this to be said: there is a great deal of perfectly legitimate, proper, useful printing which should be done for the State; but if this unnecessary printing were done away with, and this duplication of printing, the same thing, and the subject were put upon a proper basis by a legislative act, I think the State could readily be saved \$50,000 a year without anybody suffering for all the documents that they may desire. Now, I have had these schedules prepared so that we may see at a glance that these documents do not circulate. This schedule runs back to 1888; it might have gone back further; it should be remembered, however, that since 1888 there have been clearings out of the cellar, so that the documents which did not circulate have, doubtless, gone to the paper mill or to the junk shop, and this by no means represents all of those which are wasted.

I have called attention to it because it appears to be the largest of all the State expenditures, and because it seems to be one which ought to be regulated by an act. I think the State officers feel as I do about it—that it is

a matter which the Legislature ought to deal with. It certainly would relieve them from a responsibility which is not pleasant to carry, and if a proper act could be framed, would put the matter on a much more reasonable basis, and one which would make the documents more useful and more valuable if the people of the State wanted them.

Senator Ketcham—Do you say there is no legislative authority for the printing of these documents, except as the Legislature may settle it each year?

Mr. Corbin—I think, to be accurate, I had better read the act.

Senator Ketcham—I think this is a very interesting subject. I want to say that, as a member of the Joint Committee on Printing, that I was called here to the State House one day last summer; it was a new experience to me; I found the Committee was mostly present, and the Governor was chairman of the Committee, and what was there stated by the Governor and others was that a portion of this printing was fixed by the statute, and we had no power to change it.

Mr. Corbin—That is the laws.

Senator Ketcham—No, sir; these documents; and the result of the work of that day was to cut off some \$15,000 for printing for this past year, but we thought we were doing a pretty nice thing.

Mr. Corbin—It is true in the last year it has been cut off.

Senator Ketcham—But the statement was positively made that we couldn't cut off any more, because it was fixed by statute.

Mr. Corbin—There must be some provision that so many copies of the same thing should be printed annually, but the Laws and the Journal of the two Houses are required by law to be printed.

The act I refer to is Chapter 163, of the Laws of 1883. (Mr. Corbin read the law.)

In the absence of any action of the Legislature the Joint Committee has taken the matter in hand, as they did under the old law.

I think, Mr. Chairman, unless you desire some further statement concerning these schedules, we will suspend at this point.

Adjourned until Friday, April 12th, 1895, at 10 o'clock A. M.

APRIL 12, 1895—10 A.M.

Mr. Corbin—At the last session, the records of the State Board of Arbitration were not produced. It was stated that they were on the way to Trenton, and they have since reached here. I desire to call the attention of the Committee to the minutes, and to the report which appears to be in the hands of the printer, and which we have obtained for examination.

The minutes of the Board appear to cover only the period from its organization, December 6, 1892, to March 7, 1893. Since that time the Board appears to have kept no minutes; that is, for the past two years.

I call attention to the minute on page 7, which shows that the Board was organized on December 6, 1892; also, to the minute on page 13, being the meeting of December 13, 1892, from which I will read. After taking up the bills paid different members of the Board, and passing on them, this was adopted:

“Whereas, The dwelling of the President is situated in the suburbs of Paterson, and delay attends the transmitting and receiving of dispatches; and, whereas, a telephone in said dwelling would afford a ready means of communication between the members of the Board and other persons who might require the services of the Board; therefore be it resolved, that the president be and he is hereby authorized to cause a long-distance telephone to be placed in his residence at Lake View, and that the rent of the same be charged to the State. Carried.”

At the same time they resolved to pay the rent for the room in which they were sitting that day.

I call attention to page 16 of the minutes, being the meeting of December 22, 1892: “Motion was made by Mr. Doyle, and seconded by Mr. Roberson, that the hotel expenses of each member and the secretary be charged at the fixed rate of \$3 per day for each day they are actually absent from their homes on business connected with this Board. Carried.”

That will account for some of the charges of \$3 a day which we did not account for before.

Senator Ketcham—They all averaged about \$3 a day?

Mr. Corbin—When they were away from home I think they are charged at \$3, substantially that every time; but when they

were home in Paterson or went to Jersey City and got luncheon, the luncheon varied from \$2.50 to \$3.75.

Senator Ketcham—Averaging about three dollars.

Mr. Corbin—Page 21; meeting of January 5th, 1893; I read this minute as an example of the minutes to be found here as to the action of the Board. It is where labor troubles really existed:

“The Board met at Bridgeton. On motion of Mr. Doyle the Secretary was instructed to call on the Cumberland Glass Company and again to have the matter in dispute settled. The Secretary returned and reported having held a conference with Mr. Bassett, Superintendent of the Cumberland Glass Company, who positively declined to yield the point of the number of apprentices to be employed. Finding the company so bitterly opposed to mediation or arbitration, and so doggedly determined in rejecting all the offers of a compromise, the Board decided to investigate the charges brought against the firm by former employes of offsetting wages with store-goods, a denial of which had been made by the firm.”

Now, without stopping to comment very much, that strikes me as a very insignificant sort of a record for a Board of the State of New Jersey to make. It is apparent from it that the only dispute was as to whether this manufacturing concern should be allowed to have apprentices, or how many apprentices, and this Board went to Bridgeton and sent their Secretary to them, and they refused to arbitrate that question.

The Board then, evidently in a pet, in anger, adopts this minute, full of denunciatory adverbs, and proposes to investigate something that has not been brought to their attention, that some former employees have said that this company has heretofore offset goods against wages, which the company strenuously denied. In other words, because they wouldn't do one thing that they wanted they set themselves up as a court to punish them for something else.

Page 25, January 16th, 1893. “It was moved and seconded that twenty copies of the State Manual be purchased for the use of the Board, and that the bill for the same be forwarded to the State. Carried.”

Senator Skirm—How many members were there of the Board?

Mr. Corbin—Three. At this meeting a letter was received from Governor Abbett, declining to give advice to the Board on account of his term of office being nearly at an end.

Page 29, February 1st, 1893, they met at Paterson. The president had been informed that the strike of the weavers employed in the mill of Simpson & Company was still in force, and at once called this meeting. "A committee of the striking weavers appeared and said that the difficulties had been amicably settled early this morning, with a decided victory for the weavers, and all had agreed to return to work."

I read that as a characteristic entry. They generally got there the morning after the strike was settled. In other words, their services were not required; on the merest rumor they were there, but there are several entries in these few minutes similar to that.

Chairman Voorhees—The press clippings kept them informed.

Mr. Corbin—"The Board visited the mill and held several pleasant conferences with Mr. Simpson, and he expressed himself entirely satisfied with the result, and spoke strongly in favor of maintaining the Board of Arbitration, and thinks it will accomplish much good."

Page 31, February 13th, 1893. The Secretary reported having called on the Governor, February 11th, to explain certain items in the bill of members of the Board; said items were the purchase of a book of records and mileage allowance.

February 28th, 1893, page 33, the Board met at Trenton. I desire the Committee to listen to this. They will see that by accident the other day we guessed what was really a fact in regard to these meetings at Trenton:

"The matter of urging the passing of the supplement to the Arbitration law was discussed, and it was the unanimous opinion that the best interests of the State required the constant attention and active effort of the entire Board in the endeavor to have the supplement passed during the present legislative session, and for this reason it was decided to have the Board meet at Trenton every Monday and Tuesday until the final adjournment of the Legislature." And they did, and the cost to the State was \$160 every time they met. That is practically all there is in the minutes.

Senator Skirm—Do I understand Mr. Corbin to say that the minutes have not been kept up since 1893?

Mr. Corbin—The last entry is March 7th, 1893. There are no minutes since that, and no documents sent here to the State House; no other minutes appear but this book.

Senator Skirm—They had a Secretary of the Board outside of their Board?

Mr. Corbin—Yes, sir.

Senator Skirm—For which he was paid—what?

Mr. Corbin—About the same as the rest—from \$2,000 to \$2,500 a year.

Senator Ketcham—Well, did he do any work?

Mr. Corbin—Yes; all these bills were made out by him; he spent a great many days on the report. The minutes, I may say, are very nicely kept, as far as they extend, but they cover but thirty-four pages of the minute book, and then they cease.

I desire to call attention to some of the files of the Board, and among others, to a letter dated December 28th, 1893, from the Quartermaster-General to the President of the Board, remitting a frank for the year 1894, for the use of the Board, received from the Western Union Telegraph Company. I find, notwithstanding this, several bills for telegrams after that day by the Western Union Telegraph Company, and to one of them particularly I wish to call attention.

Here is a bill to J. P. McDonnell, Chairman, dated July 1st, 1894, from the Manager, at Paterson, with a letter: "Paterson, July 20th, 1894. To J. P. McDonnell, Lakeview, N. J. Dear Sir: I herewith return the arbitration account, corrected, as you desire. The items now on this account are not covered by the pass which you hold for arbitration business. Kindly have it forwarded for settlement at your early convenience."

But it is paid by the State all the same, and here is the voucher. And there are two or three others afterwards made out to J. P. McDonnell, President, and paid by the State, although as appears by this letter from the Quartermaster-General, there was a pass covering all arbitration business. They are not large sums, but I am at a loss to know why they should be in the State's files at all. The vouchers to which I refer are voucher No. 1,708, March, 1894, of the Western Union Telegraph Company; voucher 4,096, August, 1894, and voucher 1,327, January, 1895.

LEWIS D. ROBERSON—Sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Frenchtown.

Q. How long have you lived there? A. Thirty-seven years; that is, I have been away from there three or four years.

Q. What is your occupation? A. Wood turner.

Q. You were a member of the State Board of Arbitration? A. Yes, sir.

Q. And you met with them from time to time? A. Yes, sir; whenever I was called I went.

Q. Where did you generally meet? A. Wherever I was called by telegram.

Q. And that was at Paterson sometimes? A. Yes, sir.

Q. And at Jersey City? A. Yes, sir.

Q. Did they ever meet at Frenchtown? A. No, sir.

Q. Who made out your bills against the State? A. I always sent them every week to the Secretary, and he made them out; if I had any days I would send them to the Secretary.

Mr. Corbin—I now have a letter to which I refer from from the Quartermaster-General. “Trenton, December 28th, 1893. Hon. J. P. McDonnell, Secretary State Board of Arbitration. Dear Sir: Herewith find frank M 165 over the lines of the Western Union Telegraph Company for 1894, sent to this office for transmission. Very respectfully, Richard A. Donnelly, Quartermaster-General.”

I also have a letter from the Private Secretary of Governor Werts, dated February 6th, 1893, addressed to “Col. John W. Romaine, Secretary Board of Arbitration. Dear Sir: Your letter addressed to Governor Werts has been received. He requests me to say that he examined the bills to which you refer, but before taking any further steps in reference to them, desires to have you or some other members of the Board see him with reference to them. Yours very truly. John S. McMasters, Private Secretary.”

And later a letter from the Governor himself to John W. Romaine, dated April 18th, 1893: “My Dear Sir—I have approved the bills of the Board of Mediation and Arbitration at present in my hands. Hereafter I think the bills should be more specific. They should be itemized and verified as other bills are; there should be an affidavit of the items of hotel bills incurred; likewise as to railroad fares, so that the bills can be approved for expenses actually incurred. The number of days’ service should also be verified. Yours truly, George T. Werts.”

After that the bills were not submitted to the Governor for approval.

Senator Skirm—Why not?

Mr. Corbin—I have this answer to make to that: There is among the files a copy of a letter from the Attorney-General, dated June 5th, 1893, addressed to the Governor, saying in answer to a letter in what causes and when the Board of Arbitration might lawfully act and receive compensation. After advising the

Governor at considerable length, the Attorney-General said this: "I think, therefore, that a proper construction of the act, in order to give it effect, would be to consider the reference made to the sum of four cents per mile."

He holds that the sum given to witnesses for mileage would be the most that could be given to these members of the Board. "I return you the bills enclosed, observing that you say that they have been submitted to you for approval. The duty of auditing such accounts is placed by law on the Comptroller, and I do not see why you should be called upon, at least in the first instance, to pass upon accounts of this character. The Comptroller has power to take evidence, and of course could put them in proper shape. I am, yours truly, John P. Stockton."

There are other suggestions connected with it, and memorandum attached for the guidance of the Board. I think, therefore, Senator, that the reason that the Governor no longer acted, may be under this advice of the Attorney-General.

Senator Skirm—Believing that the Comptroller was the proper party to audit the bills?

Mr. Corbin—Yes, sir.

Q. Who appointed you to be a member of the Board? A. Governor Abbott.

Q. Who influenced and obtained the appointment for you? A. I believe Senator Martin and Senator Cornish.

Q. Are you a relative of Senator Martin? A. No, sir; no relation whatever.

Q. Not by kin nor by marriage? A. No, sir.

Q. Any business connection with him? A. Well, I rent a house of him, and always have.

Q. But, aside from that, never had any business with him? A. Well, store business; I always dealt with him.

Q. Bought goods at his store? A. Yes, sir.

Q. But that is all? A. Yes, sir.

Q. Any personal connections of any kind? A. No, sir; only as a friend.

Q. Where do you work at your trade? A. In Frenchtown.

Q. There is a turning mill there, is there? A. Yes, sir.

Q. Did you have a pass while you were a member of the Board? A. No, sir; I had three passes sent to me, but I sent them back.

Q. (By Senator Skirm)—When was that, that you sent them back? A. This year.

Q. (By Senator Skirm)—You had no passes before that? A. Well, I had a pass for a little while on the Pennsylvania, but it was given just for a few months, in the latter part of the season.

Mr. Corbin—I am about to call Mr. Martin as a witness, and in view of certain evidence in the possession of the Committee, I ask that this witness retire for a little while, while Senator Martin is under examination, then to be recalled.

Chairman Voorhees—Yes; you will step aside, please, and leave the room.

W. H. MARTIN, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Frenchtown.

Q. What is your occupation? A. General merchant, and president of a bank.

Q. Your store is at Frenchtown? A. Yes, sir.

Q. And you say president of a bank—what bank? A. Union National Bank.

Q. Of Frenchtown? A. Yes, sir.

Q. How long have you been president of that bank? A. Seven years, about.

Q. You were a member of the Senate in the years 1892, 1893 and 1894? A. Yes, sir.

Q. And previous to that you were a member of the House of Assembly in 1888, 1889 and 1890, were you not? A. Yes, sir.

Q. Is this previous witness, Roberson, a relative of yours? A. No, sir.

Q. Neither by kin nor marriage? A. No, sir; no way.

Q. Only personal friends? A. Well, he is a friend of course, or I wouldn't have had him appointed.

Q. You secured his appointment to the Board, did you? A. I suppose I did; yes, sir.

Q. Was he closely related to you in a business way? A. No, sir.

Q. Any business relations with him, except some dealing that he dealt at your store? A. No, sir; nothing else; he always paid his own bills.

Q. You were under no obligations to him? A. No, sir.

Q. Nor him to you? A. No, sir.

Q. In view of questions I am about to ask you, I am going to call your attention to an act recently passed by the Legislature,

and in view also of certain evidence that is in my possession. On the 5th of March this year the Legislature passed this law: "In any investigation or inquiry by any joint committee of the Legislature, any standing committee of either House, or any special committee," which this is, "which shall or may be by resolution directed to enter upon such investigation or inquiry, all the witnesses sworn or affirmed before such committee shall truly answer all questions put to them which the committee shall decide to be proper and appertaining to such investigation or inquiry, and no witness shall be excused from answering any such question on the ground that the answer to such question might or would incriminate him, or tend to incriminate him, but no answer made by any witness to any such question shall be used or taken in evidence in any proceeding against him, except in case of criminal proceeding for perjury." Senator Martin, you received from Mr. Roberson certain part of the money which the State paid him for his compensation. Was it a fixed proportion of what he got? A. I never got a cent.

Q. Do you want that answer to stand that way? A. Yes, sir; I never got a cent from him.

Q. Do you mean to say that he never turned over any of the funds that he got from the State to you? A. Yes, sir; I do mean to say it.

Q. You want it to stand at that? A. I understand that I never got a cent from him.

Q. Did he have an account in your bank? A. Yes, sir.

Q. Did he deposit checks there? A. Yes, sir; certainly he deposited checks there.

Q. And you know for a fact, don't you, that he turned over some of the State checks, and that you got them cashed? A. That might be; I don't know; I have cashed a great many checks; I couldn't say about that; it might easy be.

Q. That is, in your bank you cash a great many checks? A. The bank cashed them; certainly they do.

Q. I show you the first check that Mr. Roberson ever got from the State for compensation as a member of the Board, dated January 3d, 1893, for \$179.80, endorsed, L. D. Roberson and W. H. Martin. Is that your signature? A. Yes, sir.

Q. That check was cashed at the Trenton Trust and Safe Deposit Company fourteen days after it was drawn, to wit, January 17th, 1893. Do you recollect that? A. No, I don't; but I see it is my name.

Q. It was cashed there, wasn't it? A. Yes, sir; that is right.

Q. I show you the fourth check given to Mr. Roberson by the State for his services, being a check dated May 23d, 1893, endorsed by L. D. Roberson; is that your endorsement under his? A. Yes, sir.

Q. And cashed through the Amwell National Bank, of Lambertville. Do you remember getting the cash on that? A. I couldn't tell; I don't remember it, but I know it is my signature; I know that much.

Q. I show you the fifth check given to Roberson for services, dated July 6th, 1893, for \$231.95, endorsed by him—and is that your endorsement? A. Yes, sir.

Q. Did you not get the cash on that check of Schwink, Stillwagen & Company in the city of Philadelphia? A. Probably I did; I may have. What date is that?

Q. The check is dated July 6th, and you got the money on July 10th, 1893, and did you not hand it to Mr. Stillwagen? A. I suppose I did.

Q. And ask him to cash it for you? A. I couldn't tell about that.

Q. Did he not send out and get the money and hand it to you? A. I couldn't say.

Q. Did you not at the same time pay out of it a bill which you owed them of something of over a hundred dollars and put the rest in your pocket? A. I wouldn't say; I can't say.

Q. Don't you remember about getting that check cashed in Philadelphia? A. No, sir; I do not, indeed; my last sickness two years ago—I have forgotten some of those things which occurred.

Q. Your sickness affected your memory? A. Yes, sir, it did; Mr. Martin there can tell you, I guess; he was up to see me about that part of it.

Q. I show you a check of November 8th, 1893, to the order of L. D. Roberson, for \$86.23, being one of the State's checks to him for compensation; is that your endorsement under his? A. Yes, sir.

Q. And wasn't that cashed through your own bank in Frenchtown? A. Yes, sir; it must have been.

Q. Roberson kept an account in your bank? A. Yes, sir.

Q. And was accustomed to deposit checks there, was he not? A. Yes, sir; he might have come in to me, and before the bank was open, or something; I wouldn't say.

Q. Look at these other checks which I show you, and tell me whether they were not deposited by him or cashed by him

through your bank—April 25th, 1893, check for \$542.80? A. Yes, sir; I suppose credited or cashed.

Q. Well, which; can you tell by the stamps endorsed upon it whether it was cashed at your bank or credited to his account there? A. I don't think I can; you see you take a check in there and draw \$100 on it, or part, and credit the balance.

Q. Mr. Roberson is your friend? A. Yes, sir.

Q. And your neighbor? A. Why, certainly.

Q. And keeps an account, you say, in your bank? A. Yes, sir.

Q. And you are the President of the bank? A. Yes, sir.

Q. And aren't you able to tell me, by this endorsement, which your bank put upon it, whether he deposited it in the account or cashed it? A. I couldn't tell; I suppose it was deposited; it looks so to me; I am not in the bank a great deal; they do the business.

Chairman Voorhees—Does that check bear the endorsement of Senator Martin?

Mr. Corbin—No, sir; not that one.

Q. I show you another check, July 25th, 1893, \$14.64, with the stamp of your bank. Can you tell whether that was cashed or deposited? A. It is just the same as the other.

Q. I am asking you? A. I couldn't tell; it looks to me so.

Q. You can't tell? A. It looks to me as if it was deposited there.

Q. Do you know G. J. Fisher? A. Yes, sir.

Q. Is he present here? A. Yes, sir.

Q. Where does he live? A. He lives in Lambertville.

Q. I show you check of September 12th, 1893, for \$254.67, endorsed in the same manner. A. Yes, sir.

Q. Also one dated October 10th, 1893, endorsed in the same manner. Can you say as to that? A. I suppose it is the same as the rest.

Q. Do you mean to say with regard to any of them whether they were cashed or whether they were deposited? A. No; I would suppose they were deposited; of course I haven't looked into the matter at all.

Q. I show you, also, with similar endorsement, check dated December 19th, 1893, for \$233.12; also one with similar endorsement, dated February 6th, 1894, for \$197.31; also one dated March 27th, 1894, for \$286.46; also one dated May 17th, 1894, with similar endorsement, for \$337.78; also one dated June 12th, 1894, with same endorsement, for \$305.91; also one with similar endorsement, dated July 3d, 1894, for \$234.03; also one dated July 31st, 1894, same endorsement, for, \$212.61;

also one dated September 4th, 1894, similarly endorsed, for \$147.05; also, one dated October 2d, 1894, similarly endorsed, for \$247.88; also, one dated November 7th, 1894, similarly endorsed, for \$362.02; also, one dated December 11th, 1894, similarly endorsed, for \$224.75; also, one dated January 10th, 1895, similarly endorsed, for \$247.13; also, one dated February 12th, 1895, similarly endorsed, for \$173.55. Have you any recollection about these checks which you endorsed? A. I haven't, indeed.

Q. You didn't remember, then, until I now drew it to your attention, the fact that you had received four of these checks? A. No, I didn't.

Q. You didn't remember: don't you remember now the fact of getting one cashed in Philadelphia? A. I do not.

Q. Don't you remember now? A. If I did I used it to pay a bill with; that is all I know about it.

Q. Don't you remember now getting one of them cashed at the Trust Company here in Trenton? A. No.

Q. Don't you remember getting one cashed in Lambertville? A. I can't remember; it might have been; it was so, of course.

Q. And do you not remember getting some cashed at your own bank? A. I do not.

Q. And do you remember to have ever seen any of these checks before? A. I must have seen them.

Q. Do you remember it? A. Well, I think I have.

Q. Didn't you know that these checks were being paid through your bank? A. Yes, I knew he had an account there, certainly.

Q. Well, and you knew that he was receiving compensation every month or two from the State? A. Yes, sir.

Q. And you saw some of these checks? A. Yes, sir.

Q. And you remember them? A. Well, I suppose I did; I think I asked him sometimes how much the bill was, or something of that kind, going along, how much his account was.

Q. Your store is general mercantile business? A. Yes, sir.

Q. Do you keep a bank account? A. Yes, sir.

Q. You buy goods, do you not, of the firm of Schwink, Stillwagen & Co., in Philadelphia. A. I have: yes, sir.

Q. Dealers in cashmeres? A. Cloths, &c.

Q. Don't you, as a business man, pay your bills by checks? A. Generally, sometimes one way, not always; just as it happens.

Q. Can you tell how it happened that you took a check of two or three times as much as your bill to Philadelphia, the check of another person, and asked that merchant to cash it and apply part of it on his bill and give you the rest in cash? A. I can't tell

exactly, without I gave him the cash for it before I left home; he might have been going away.

Q. Suppose it is so; isn't your business conducted so that in paying a bill to a merchant in Philadelphia you would give him a check? *A.* I would sometimes, and sometimes if I got a check in my pocket I would give him another check; for instance, if I cashed your check to-day, and I was going to Philadelphia, I would take it and pay a bill with it.

Q. And the Monday you did go to Philadelphia, on January 10th, which was four days after the check was drawn, you turned over to that firm a check for \$231.95, and asked them to get the money for you? *A.* Yes, sir.

Q. Can't you remember that? *A.* No, sir; it was on Monday, too?

Q. Yes. *A.* I don't remember it.

Q. So that you must have got that on Saturday, probably? *A.* I may have; I can't remember it; of course, it might have easily been.

Q. You have no recollection about it? *A.* No, sir; I often cash checks for him, or anybody else, sometimes, and sometimes I have money and sometimes I wouldn't.

Q. Suppose he brought it to you Sunday, or Saturday night, would you have that amount of money in your pocket? *A.* Sometimes.

Q. Not regularly? *A.* I often have had.

Q. Wouldn't you, naturally, if you were cashing that check, cash it out of the till of your bank? *A.* Well, I would if I was in the bank.

Q. How far is the bank from the store? *A.* It is about three hundred yards, I suppose.

Q. You go the bank every day? *A.* Well, not always; no.

Q. You are president? *A.* Yes, sir.

Q. You attend to its business, discounting, &c.? *A.* Yes, sir; I am one of the committee.

Q. Well, you are master of the bank? *A.* Generally.

Q. Has there ever been a time when you were not? *A.* Well, the cashier does just as much discounting, &c., as I do.

Q. Can you tell me how you should have cashed a check at another bank down in Lambertville instead of taking it home and getting it through yours? *A.* I can't say; circumstances might alter cases.

Q. How did you come by these checks? *A.* I suppose I cashed them; that is all I know.

Q. Haven't you any memory about it? *A.* I don't know ; I often cash a check, and give a man my check for a balance or something ; for instance, he comes in and wants some money ; if I have it, I generally give it to him.

Q. (By Chairman Voorhees)—Did you do it in this case? *A.* I don't know; all I know is this; all I do know is I never received one cent from him in any way or shape whatever for the office.

Q. Here is a check, being the one paid by the State to Roberson, dated February 28th, 1893—that was while you were still down here at the Senate—for \$189.90, which Roberson got cashed at the Mechanics Bank, at which it was drawn. Do you know about that check? *A.* No; I don't know anything about it.

Q. Do you know how Roberson happened to be down here? *A.* No.

Q. You saw him here Monday nights, I suppose? *A.* Sometimes; I couldn't say.

Q. I show you Roberson's third check, dated April 25th, 1893, which was after the Legislature adjourned, for \$542.80, put through your bank. Do you recollect that check? *A.* No, sir.

Q. Did you give him the money on it? *A.* Did I give him the money on it? no, sir; I don't think so; I never pay out any money out of the bank.

Q. Have you any memory about that check? *A.* No, sir, I haven't.

Q. Well, now, you have been talking about this matter here for half an hour; you have seen these checks and these endorsements. Has nothing that has occurred refreshed your memory about how these checks came into your possession? *A.* No, sir; I can't think of anything about it, only it is I have had them, of course, I know my signature.

Q. When did Roberson open his account in your bank? *A.* I couldn't tell you that even; I don't know.

Q. Did he ever have one there before he was appointed to the Board of Arbitration? *A.* Well, I couldn't say; I think he had a little—probably in a different way; not a regular bank account.

Q. Is he a man of property aside from his wages? *A.* He had some money that was lent out in different ways.

Q. But he had no regular bank account? *A.* I don't think so; not that I know of.

Q. His account was opened after he became an arbitrator? *A.* I suppose so, as far as I know.

G. J. FISHER, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Lambertville.

Q. What is your business? A. Merchant.

Q. Do you know L. D. Roberson? A. I do.

Q. Your business is conducted in Lambertville? A. Yes, sir.

Q. What transactions have you had with Roberson? A. Nothing, only to be social—friendship.

Q. How long have you known him? A. Fifteen years.

Q. Do you know Mr. Martin? A. I do.

Q. How long have you known him? A. Well, I should think about the same length of time.

Q. I show you a check of the State dated August 8th, 1893, to the order of L. D. Roberson, for \$98.18, endorsed by Roberson. Is that your endorsement also? A. It is.

Q. How did you come to get that check? A. Cashed it for him for accommodation.

Q. You recollect it, do you? A. I do.

Q. Is that the only one you ever cashed for him? A. That is the only one I remember of.

Q. You remember this? A. I do.

Q. How came he to want you to cash it? A. He happened in my place of business on a visit socially.

Q. Where did he come from, Trenton or Frenchtown? A. That I couldn't tell you, where he came from.

Q. Do you remember what day of the week it was? A. I do not.

Q. What passed at the interview? A. Well, nothing in connection with the check whatever.

Q. He wanted you to cash the check? A. Yes, sir.

Q. And you remember that it was a social visit? A. Yes, sir.

Q. How long did he stay? A. Well, I don't think he stayed over half an hour, three-quarters; something like that, waiting from one train to the next, I think.

Q. And asked you for the money? A. Yes, sir.

Q. What did he do with the money? A. That I can't tell you; he put it in his own possession.

Q. He put it in his pocket? A. Yes, sir.

Q. Was that the only instance in which that occurred? A. Yes, sir; it is the only one I remember about; there might have been other checks.

Q. (By Senator Skirm)—How do you remember this particular case, then, if there may be others? A. It seemed to me something unusual for him to come in and get a check cashed—my

bookkeeper was there, and I think she handed out the money for him.

Q. You were a little surprised at it yourself, were you; it wasn't a usual thing? *A.* It wasn't a usual thing.

Q. Do you remember the amount; it was about \$98? *A.* I remember the check, the circumstance; I don't remember the amount.

Q. It is a matter of a hundred dollars? *A.* Yes, sir.

Q. It is as you remember it, is it, the check is? *A.* Yes, sir.

Q. Now, I show you another one, dated August 9th, 1894, State check, to the order of L. D. Roberson, endorsed by him; is that your endorsement? *A.* It is.

Q. How came you to endorse that check? *A.* In the same manner.

Q. And there was another instance, then? *A.* Well, as I stated before, there might have been others, but I didn't remember it.

Q. You don't remember it now, then? *A.* The endorsement speaks for itself.

Q. It simply speaks for being the endorsement, not for anything more. Do you remember what you did with the check? *A.* Deposited it in the bank.

Q. What bank? *A.* The Amwell.

Q. This bank in your town? *A.* Yes, sir.

Q. Did you cash that check? *A.* Cashed it.

Q. Did he call on a social visit that time? *A.* Yes, sir; he did.

Q. From one train to another? *A.* Yes, he did.

Q. You remember twice now? *A.* I don't remember, but he occasionally stopped off from one train to the next and called in to see me.

Q. Was there a third time when you cashed one? *A.* I don't remember.

Q. A fourth? *A.* I don't remember; I don't think there was but the two; I don't remember any more.

Q. Had he ever asked you to cash anything for him before? *A.* He had not.

Q. How did it occur, now, what was the reason of it? *A.* Well, that I can't tell, what his motive was.

Q. But he stopped off of the train twice on the way from Trenton to Frenchtown? *A.* Where he had been I don't know.

Q. You said that? *A.* That he stopped off of the train; I don't know where he was going to.

Q. Was he going north or south? *A.* I don't know whether he was going to Frenchtown or London.

Q. If you observed as much as to see that he stopped off from one train to another, can't you say whether he stopped off of one north bound train to another? A. I can't; he merely told me he was waiting for a train.

Q. (By Chairman Voorhees)—What time of the day was it? A. I don't recollect.

Q. Did he tell you both times that he was waiting for a train? A. He did.

Q. Did he give you any reason why he should ask to have these checks cashed in Lambertville instead of going on to Frenchtown with them? A. He did not.

Q. Do you know any reason? A. No, sir; I do not.

Q. Have you ever talked the matter over with him since? A. I have not.

Mr. Corbin—I summoned Mr. Otto H. Heinz to be here to-day, and he is here. I summoned him to bring certain check books and checks which they have here, but by some means they was omitted from the subpoena a call for the cash book, journal and ledger, which we also want produced of Mr. Heinz and the Heinz Printing Company, which succeeded to his business, and and I would like, if it can be done—we cannot examine Mr. Heinz for two or three hours yet any way—Mr. Heinz to telephone to Newark and have them brought up; the Committee will bear the expense. It was intended to have put that in the subpoena, but it was omitted, and I telegraphed last night to have them brought, but for some reason the telegram miscarried.

Mr. McDermitt—We have got every book here the subpoena calls for, and we are perfectly willing to produce any book in our power to produce that the Committee desire.

Mr. Corbin—We would like to have the cash book, the day book, the ledger and journal of this printing business from 1890 to 1894, in whatever name they were conducted. If that can be done by telegraphing to a clerk to come down in a later train it would save these gentlemen coming here another day.

Mr. Heinz—I don't think it can be done, because I have failed to find several of those cash books; I have several stub books here, but as the old firm was dissolved—

Mr. Corbin—That is not what I am talking about; it is the cash book that we want.

Mr. Heinz—I can't tell where that is; the old concern is dissolved.

Mr. Corbin—How about the new concern?

Mr. Heinz—Yes; we have that.

Senator Skirm—Covering that time?

Mr. Heinz—From February, 1893, to the present day.

Senator Skirm—Where is the cash book before that time?

Mr. Heinz—I don't know.

Senator Skirm—You have not destroyed the books?

Mr. Heinz—No.

Mr. Corbin—This new company was formed in the early part of 1893. Have you got the journal?

Mr. Heinz—I don't know.

Mr. Corbin—Ledger?

Mr. Heinz—I suppose so.

Mr. Corbin—And day book?

Mr. Heinz—Yes, sir.

Mr. Corbin—And order book?

Mr. Heinz—Yes, sir.

Mr. Corbin—Well, now, those books of the present company you can have here?

Mr. Heinz—Yes, sir.

Mr. Corbin—Just before the Heinz Litho. Printing Company—you have those?

Mr. Heinz—I don't know.

Mr. Corbin—Why not?

Mr. Heinz—The firm was dissolved.

Mr. Corbin—But you were master of the situation?

Mr. Heinz—I wasn't the only stockholder in the concern.

Chairman Voorhees—Didn't the books run right straight along?

Mr. Heinz—No, sir.

Mr. Corbin—You have destroyed all record of the books prior, or mislaid them?

Mr. Heinz—Whatever can be found will be produced.

Mr. Corbin—Just telephone, and produce those of the Heinz Litho. and Printing Company, will you?

Mr. Heinz—Yes, sir.

Mr. Corbin—And also instruct them to bring those of the former company.

Mr. Heinz—Whatever they have; yes, sir.

Mr. Corbin—Now, the first part of your dealing with the State, you were doing business in your own name?

Mr. Heinz—Yes, sir.

Mr. Corbin—You have got your own books?

Mr. Heinz—That is so many years ago.

Mr. Corbin—It is only back to 1891.

Mr. Heinz—I will do the best I can to get them here; there are a great many books.

Senator Skirm—I suppose it will take four books, and it would not take a very large express wagon either.

Mr. McDermitt—It is a very large business, I can tell you that, or I wouldn't be counsel for it.

Chairman Voorhees—I suggest that counsel to a large business ought to instruct the company to bring their books.

Mr. McDermitt—We will get what Mr. Corbin desires, if we can.

L. D. ROBERSON, recalled.

Examined by MR. CORBIN.

Q. In view of certain questions I am going to ask you, and certain information in my possession, I am going to read you a law recently passed by the Legislature. On the 5th of March, this year the Legislature passed this law:

“In any investigation or inquiry by any joint committee of the Legislature, any standing committee of either House, or any special committee, which shall or may be by resolution directed to enter upon such investigation or inquiry, all the witnesses sworn or affirmed before such committee, shall truly answer all questions put to them which the committee shall decide to be proper and appertaining to such investigation or inquiry, and no witness shall be excused from answering any such question, on the ground that the answer to such question might or would incriminate him, or tend to incriminate him, but no answer made by any witness to any such question shall be used or taken in evidence in any proceeding against him, except in case of criminal proceeding for perjury.”

Q. Mr. Roberson, you have testified that your appointment was secured, you supposed, by Senator Martin? Yes, sir.

Q. You turned over to Senator Martin certain of the moneys which you received from the State as your compensation? A. No, sir; never a cent.

Q. Did you turn over any certain portion of it? A. No, sir; not a cent.

Q. Not too hasty, now? A. No, sir.

Q. Here is the first check that you ever got from the State; is that your endorsement? A. Yes, sir.

Q. Well, Senator Martin says that that is his? Q. Yes, it is so.

Q. And he got it cashed at Trenton here? A. Yes, sir; I borrowed money of him and I gave him my check and he gave me his check to get it cashed in Trenton.

Q. How did you borrow money of him? A. I often do when I have to go away in the morning when the bank isn't open.

Q. In January, 1893, you got that check for \$179.80? A. Yes, sir.

Q. What did you give it to him for? A. To get the money so I could go away on the train with it in the morning; he advanced me money and I gave him the check to get cashed in Trenton.

Q. How much money did you need to go away? A. I often took \$25.

Q. You are speaking now of this particular transaction? A. Yes, sir.

Q. Did you turn it over to him the same day you got it? A. I wouldn't be positive about that; no.

Q. You went away in the morning, you say? A. Yes, sir.

Q. Tuesday morning? A. I don't know whether it was Tuesday morning, or what it was; I can't tell exactly what morning it was.

Q. You handed it over to him? A. Yes, sir.

Q. How long had you had it? A. I don't know; I couldn't remember.

Q. You remember one thing pretty clearly; do you remember when you got it—on what day? A. No.

Q. Can you fix the time when you got it by the day of the week or anything else? A. I most generally got them on Wednesday or Thursday.

Q. I wasn't asking about most generally; I have only showed you one check; you say you remember he advanced you some money on that check when you were in a hurry to go away? A. Yes, sir.

Q. How much money did he advance you? A. That I can't tell exactly.

Q. Did he cash the whole check? A. I think he gave me part money and part check for it.

Q. What did you do with the check? A. Deposited it in the bank.

Q. Did you have a bank account with his bank? A. With the Frenchtown bank; yes, sir.

Q. When did you open that? A. Well, I have had certificates there—

Q. No—I asked you when you opened your bank account there? A. 1891, I think.

Q. Two years before you were appointed to this Board? A. 1891, I think it was.

Q. Have you got your bank book here? A. Yes, sir.

Q. Check book and checks? A. Yes, sir.

Q. Who gave you this check? A. It was sent to me from Heppenheimer.

Q. To Frenchtown? A. Yes, sir.

Q. How long did you carry it in your pocket before Senator Martin advanced the money? A. That I don't really know.

Q. Where did you give it to Senator Martin to give you some money on it? A. Right in his store.

Q. And how much did he give you? A. I can't tell you the amount, but I can tell you what I deposited in the bank.

Q. Didn't you tell us a few minutes ago that he advanced you the money so that you could get home? A. That is so I could go away.

Q. Didn't you say get home from Trenton a few minutes ago? A. No, sir; I didn't give it to him in Trenton; I don't know that I ever gave him a check in Trenton.

Q. You remember something pretty distinctly about this. Let us get it all. Now, you say you gave him that in his store to get some money to go away? A. Yes, sir.

Q. And you think he gave you some money and a check? A. I think he did.

Q. How much money? A. Well, I can't exactly tell, because I never remember how much; I used to get ten dollars of him, and sometimes fifteen.

Q. Why didn't you step up to the bank and get it cashed? A. Because the bank wasn't open when I was there.

Q. Too early? A. Yes, sir.

Q. How early in the morning was it? A. Before train time.

Q. What was train time? A. Eight o'clock.

Q. Where were you bound for? A. I don't know whether I was going to Jersey City or where.

Q. You only know there is a train leaves Frenchtown at eight o'clock? A. Yes, sir.

Q. Did you get ten dollars, or fifty? A. I never got fifty, I don't think.

Q. How much check did you get? A. Look in the check book; I don't know what it was.

Q. Is that your way of doing business? A. Yes, sir.

Q. Didn't deposit your checks in the bank? A. I did all but three or four; I think he had two or three, I gave him, or three or four.

Q. This first one, you remember about this first one? A. I don't remember exactly about the first one.

Q. You haven't seen any other but that yet? A. He had two or three.

Q. And you recollect in that case you wanted to get the eight o'clock train, and got some money? A. That is often, when I had to go away I would go there and get money.

Q. You started out by saying that you had borrowed money of him and were paying the money. When did you borrow it? A. Whenever I couldn't get in the bank.

Q. How much did you borrow for which you gave him this check? A. That I can't exactly tell.

Q. How much would you borrow at a time? A. Well, I borrowed from \$10 on up.

Q. On up how high? A. I don't think I ever got over \$25 of him, as I know of.

Q. That was a matter that you would return in a few days? A. Yes, sir.

Q. How many times did you? A. I must have given him three or four or four or five checks that way.

Q. How many times did you borrow \$10 or \$25 from Senator Martin? A. A good many times: I never gave him checks for that.

Examined by SENATOR VOORHEES.

Q. What was your practice in those other cases; did you give him a memorandum, an "I O U"? A. I would borrow that money and he would put it down against me.

Q. On your book? A. Yes, sir.

Q. You had your book account there? A. Yes, sir; I bought my groceries there—everything put in.

Q. If you had a little money from him, that went on your account? A. No, that was a cash account; I always paid that back during the week.

Q. Why didn't you do that this morning when you went away, just in that usual way; I mean in January, 1893; why didn't

you do it on this particular morning when this check was given, as you say; why didn't you just simply say, "I am short; I want ten dollars, or fifteen dollars; let me have it, and I will pay it back to you during the week"? A. Well, he was Senator here, and I thought he was coming to Trenton and could get it cashed on this bank.

Q. But then you deposited those checks on this bank in Frenchtown; what was the necessity of sending away down here?

A. The first two I got cashed here in Trenton, I think.

Q. Why didn't you just let that amount be entered in the books, as all the other amounts were that you borrowed; why did you make this difference at that time? A. I don't remember now, only because he was coming to Trenton, or something of that kind, and he could get it cashed right here.

Examined by MR. CORBIN.

Q. You say the first two or three checks you got cashed here? A. I say one or two.

Q. That is the first check which you say you gave him at Frenchtown; which will you have it? A. That I got at Frenchtown?

Q. There is the check. A. I say I got one or two checks cashed in Trenton myself.

Q. You said you got the first two checks cashed in Trenton. A. I don't know about the first two, but I got the first checks—

Q. If you will just confine yourself to the question we have under consideration, which is the one check for \$179, dated January 3d, 1893, which I have told you is the first check—you first say that you gave that to him to pay something which you borrowed of him. Next you have said that that was cashed by him partly in money and partly by his check. Now you suggest that you got this check cashed in Trenton. Which is right? A. (No answer.)

Q. (By Senator Voorhees)—Do you recall? A. No, sir; I think I gave him that check in his store; that is all I can remember about it.

Q. When he drew you a check back again for part of it, did he draw it, or his clerk? A. He drew it.

Q. Personally? A. Yes, sir.

Q. Can you remember the sum? A. I cannot; no, sir.

Q. Can you remember what you did with it? A. I deposited it in the bank—Frenchtown Bank.

Q. When? A. I think two or three days afterwards—after I received it of him.

Q. Would your stub book show where you deposited it? A. I haven't any stub book of that; my bank book shows it.

Q. Let us see your bank book. You deposited it in the bank two or three days afterwards, did you? A. I think it was; I wouldn't be right positive about it.

Q. This is the pass book which the bank gives you? A. Yes, sir.

Q. Your first deposit is November 18th, 1892, \$50. The next one is December 17th, \$150. Those are both months before this time; it couldn't be this? A. No.

Q. Your next deposit is March 1st, 1893, \$225. It couldn't be that? A. Well, I don't know whether it could be that or not, because I had other money.

Q. How could it be that when the check is only \$179? A. Can't I have other money to put in, with it?

Q. I don't know. You say you deposited it two or three days afterwards, and the first date you show me is two months after March 1st.

Chairman Voorhees—I guess, Mr. Roberson, you will have to shift a little on that.

Q. You didn't deposit his check in the bank, did you? A. Yes, sir.

Q. Two or three days after you got it? A. I think it was two or three days after.

Q. It was for part of that check? A. Yes, sir.

Q. What bank did you deposit it in? A. Frenchtown National Bank.

Q. See if you can find it in your pass-book? A. I don't know whether it was exactly that one, because I had other money that I put in.

Q. It isn't there, is it? A. I don't see it there.

Chairman Voorhees—It would have been there if it had been deposited, wouldn't it?

Mr. Corbin—The book is balanced here.

Chairman Voorhees—Country banks sometimes make mistakes.

Q. Let us see checks and stub book. A. There is all the checks from the stub book.

Q. This stub book begins May 31st, 1894. Where is the previous one? A. That is all I ever had.

Examined by SENATOR SKIRM.

Q. How did you get your money out of the bank? A. I had certificates in there and drew it on the certificates.

Q. You didn't have certificates while you had that book? A. I had certificates, and then I got this book.

Q. You hadn't any certificates when you had this book? A. No, sir.

Q. Now, the question is, where is your check book which you checked that money out with during the time that the certificate was running? A. I always took them to the bank and drew it from the bank.

Examined by MR. CORBIN.

Q. Then the stub book begins there after you opened that account. How did you get the money out in the meantime? A. I had other checks.

Q. Where are they? A. I haven't got them.

Q. What has become of your previous checks? Here is December, 1892. Mr. Roberson, this pass book which you show me was closed up before this stub book begins? A. Yes, sir.

Q. Well, where are the vouchers for the money that you drew out? A. Never had any.

Q. Do you mean to say that the bank paid money out without getting anything for it? A. When I put in a check I would draw so much out, and they would give me credit for it.

Q. You have made a good many deposits there. Let us see your next pass book. I show you the second check you got from the State, February 28th, 1893, for \$189.90. How did you get the money on that? A. Well, I couldn't tell you whether I drew it here or where.

Q. Look at the back? A. It is my writing; I got one cashed in Trenton—or two—and the rest of them in Frenchtown.

Q. You got that cashed right at the counter of the Mechanics Bank, didn't you? A. Yes, sir.

Q. Do you remember it? A. I remember getting one cashed there.

Q. Who went with you to identify you? A. A gentleman from Sinclair, West & Co., clothing store.

Q. Is that the only one you ever got cashed at the counter? A. I think it was, yes, sir.

Q. I show you the third one, dated April 25th, 1893, for \$542.80. What did you do with that? That is the biggest one you ever got. A. Yes, sir; I got that cashed at the Frenchtown National bank.

Q. Why didn't you deposit it? A. I think I did.

Q. No; you may have deposited part of it. A. The biggest

part of it I deposited; I deposited four hundred and something of it, I think.

Q. Yes—\$475. A. Something like that.

Q. Why didn't you deposit the check? A. Because I wanted to use some money; I never deposited all the checks, that I know of—but one or two.

Q. Couldn't you draw a check for the money you wanted? A. Sometimes I did.

Q. There must be some system of banking up there that we don't know about.

Chairman Voorhees—I think the witness may have taken a check in of \$500 and say, give me three hundred, and they would do it, and he could deposit the rest; that is the way it is done sometimes.

A. That is the way they always do it with us up there.

Q. You must have drawn some memorandum check for the bank. A. No, sir; they always gave me a memorandum of this on the slip of the check, and memorandum of what I drew out; if I draw out \$70 they give me credit for a hundred.

Q. Now, on May 23d, 1893, you got a check for \$99.35. Where did you draw that? A. That may be one that I gave Martin to draw, and got the money of him.

Q. I guess that is one you gave Martin? A. Yes, sir.

Q. His name is on the back. Where did you hand that to Martin? A. I think I handed it to him in the store, because I never done anything anywhere else with him that I know of.

Q. Did you hand him one down at Lambertville? A. No, sir.

Q. Didn't you? A. No, sir; I don't think I have ever been in Lambertville with him.

Q. That was cashed in Lambertville? A. That might be, but I never handed it to him there.

Q. You handed it to him, you think, in his own store? A. Yes, sir.

Q. What did he give you for it? A. I don't know whether he gave me money or a check for it; maybe he took my rent out of it for two or three months, or something like that.

Q. Here was your bank account. Why didn't you go to the bank? A. Often times I couldn't get in the bank; if I got these checks at night I couldn't get them cashed until the next day at nine o'clock.

Q. Were you never at Lambertville with Mr. Martin? A. I don't know as I ever was. It seems to me I was there with him one afternoon, too.

Q. Did you give him a check down there? A. I don't think I did.

Q. Can you explain why that was cashed through the Lambertville bank? A. No, sir.

Q. You didn't deposit any of that money at all. There is no deposit on your book until July. A. \$99?

Q. Yes. What did you do with that? A. I can't tell you whether I paid him rent out of it, or store bill, or what.

Q. You were working during this time? A. Yes, sir.

Q. Where? A. Shurtz spoke mill.

Q. Regularly employed there as a turner? A. Yes, sir.

Q. Have been for several years? A. No, sir; I have worked for the firm for fifteen years; they discharged me and I got another job.

Q. When did you leave there? A. About last July.

Q. Since that you have been working steadily? A. Almost every day, for Kerr & Taylor, sash and blind makers.

Q. Well, the last three or four years you have been working regularly right along? A. Only when I was out.

Q. Excepting the days you were out on arbitration business?

A. Yes, sir.

Q. I show you the next check, dated July 6th, 1893, \$231.95. How came you to give that to Mr. Martin? A. The only way I ever gave him that check was on account of stuff I bought, or rent, or else got money out of him; that is the only way I can explain it.

Q. How much was your rent? A. Seven dollars a month.

Q. You would hardly turn him over a check for \$231 for that, would you? A. I have owed him as high as fifty or sixty dollars.

Q. That is for your store bill and rent and all? A. Yes, sir.

Q. Do you remember anything about that? A. No, sir.

Q. Did you have money from any other sources to deposit in the bank, except from the State? A. Often I put money in, yes, besides getting it from the State.

Q. I say any other money besides that that came from the State? A. Yes, sir, I have.

Q. There is one with Fisher's name on the back of it. How came you to give that one to Fisher? A. G. J. Fisher, Lambertville. I was sent to Lambertville on business, and he was going to the bank, and I asked him if he would just cash me a check, and he said he would, and I got him to cash it.

Q. What did you do with that? A. I spent some of it, and some of it I took back, and I think I deposited some of it.

Q. No; no deposit of it as far as your books show? A. I spent some of it before I went back; I know that much.

Q. What did you do with that one, \$254.67, September 12th, 1893? A. Must have deposited part of it.

Q. Yes, I guess you did that. Why did you never deposit any one of these checks? A. The whole business?

Q. Yes? A. Because I always took some of the money out to go away with; it cost money to go away.

Q. You sometimes deposited more than the check? A. Well, then I wasn't in need of it.

Q. But you never deposited a single check, did you? A. Yes, sir.

Q. Not one straight full amount of the check? A. Yes, sir.

Q. Which one was that? A. I know there is one on there, anyway, that I know of; that I have recollections of.

Q. There is one. You are right. No; you are not, either. This one is \$286.46, and you deposited—no, you didn't deposit that one at all? A. You will come across it yet.

Q. Here is one, November 8, 1893, \$86.27. Why did you give that to Martin? A. Well, I don't know any reason, but—

Q. You don't know any reason for giving it to Martin? A. Only if I wanted money, and he was close by, right across the street, and I went and got the money.

Q. Do you remember getting more than one cashed by Fisher? A. I think that was all; there might have been two, but I don't think there was.

Q. Look at that one, dated January 9, 1894, for \$73.08. Wasn't that cashed by Fisher? A. Yes, sir; but I didn't remember that one; I remember one very distinctly.

Q. I show you the check of March 13, 1894, for \$158.30, with the endorsement of Richard Evans. What did you do with that check? A. I used some of it, and put the balance in the bank.

Q. Who is Richard Evans? A. He is in Paterson; I had to have money, and I got to have it right away, and he was the only man I knowed, and it was at night, and I had to stay over night, and so I got it cashed.

Q. These books show that your money, substantially what there is left of it here, is in the Union National Bank of Frenchtown, do they not? A. Yes, sir.

Q. Is it a savings bank? A. A national bank.

Q. Don't get any interest on it, do you? A. No, sir.

Q. You allow it all to accumulate and lie there without any interest? A. Until I get it out, yes, sir.

Q. You can get it out any day, can't you? A. Yes, sir, you can.

Q. Sure? A. Yes, sir; you can easy put it out.

Q. Why don't you put it out? A. Because I never had any good place to put it out yet.

Q. When was that book written up? A. Why, last year some time.

Q. Now, see if you can find any place here where you deposited any of those checks for Martin you have spoken of. A. No, because I never marked it, who the checks was on, in my book; they always put it on the slip.

Q. Here is a memorandum, \$501.42, drawn out of your account? A. Yes, sir.

Q. You did invest that much, did you, in a bond? A. Yes, sir.

Q. Have you got that yet? A. Yes, sir.

Q. \$513.75? A. Yes, sir.

Q. Water bond; have you got that? A. Yes, sir.

Q. There is a check for \$150, drawn June 29th, 1893; what was that for? A. Myself.

Q. Drawn to yourself? A. Yes, sir.

Q. What was it for? A. I loaned it to a man and got a note for it.

Q. Did he ever pay it? A. No; I only wish he would.

Q. Another one for \$511? A. Yes, sir; there is one in there besides that.

Q. You have drawn out \$500 three times for investment? A. More than that.

Q. \$500 each time for investment? A. Yes, sir; and one of \$100, I think.

Q. One is a Railroad Equipment bond? A. Yes, sir.

Q. And one is Dennison Water bond? A. Yes, sir.

Q. You drew no checks for this money, but there is a memorandum among your vouchers? A. Yes, sir.

Q. Where are your bonds? A. My bonds are home.

Q. And those large sums were taken out of your account without any check by you, but simply a memorandum of payment to you, that way? A. Yes, sir; the president of the bank or the cashier.

Q. Whose handwriting is that slip in? A. I suppose Abel Harriny; he is the cashier.

Q. (By Senator Skirm)—When you drew money out of the bank on a check, didn't you sign a check for the money? A. When I drew it by check.

Q. (By Senator Skirm)—The two items he speaks of, there is memorandum instead of this; didn't you sign checks for those amounts? A. No, sir.

Q. (By Senator Skirm)—Was that their method of doing business? A. Yes, sir; never signed check for no bond.

Q. When was this last entry made in your book, this charge for the bond? A. This year.

Q. This month, wasn't it? A. No.

Q. No date opposite at all? A. I think it was the 3d or 4th of January, something like that; I think it was about that.

CHARLES S. HILL, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Philadelphia.

Q. What is your occupation? A. Bookkeeper.

Q. For whom? A. Schwink, Stillwagen & Co.

Q. Were you their bookkeeper in 1893? A. Yes, sir.

Q. Do you know Mr. W. H. Martin? A. I do.

Q. Do you remember the circumstance of his presenting a State check there to be cashed? A. Yes, sir.

Q. Look at this check and endorsement and see if that is the check; it is a check dated July 6th, 1893, for \$231.95? A. I recognize the check.

Q. Was it cashed by the firm? A. It was not cashed by the firm.

Q. State the circumstances? A. I recognize the signature as that of Mr. Stillwagen, a member of the firm, and not having sufficient funds, as we never carry a great deal of cash in the drawer, we had it cashed for him evidently.

Q. For whom? A. For Mr. Martin, and his signature is here, in the Chestnut Street National Bank.

Q. Was he indebted to your firm about time? A. About July 6th?

Q. Yes? A. He was.

Q. Was your indebtedness taken out of the cash? A. No, sir.

Q. You gave him the entire amount of money? A. Yes, sir.

Q. Who was present there at the time Mr. Martin called to get the check cashed? A. There was a man by the name of Goorly, and Mr. Stillwagen was present; this is Mr. Stillwagen's signature.

Q. Mr. Stillwagen signed that and got the money and gave it to Mr. Martin? A. Mr. Stillwagen endorsed the check and I sent out—

Q. Where did you send, to the bank? A. Yes, sir.

Q. And gave the cash to Mr. Martin? A. Yes, sir.

Q. Did such a thing ever occur in his accounts before or since? A. Not to my recollection.

Q. Did he not generally pay his accounts by check? A. Yes, sir; he paid the account that he had at that time by his personal check, and the check was entered on July 10th, \$108.30.

Q. He gave his personal check for that? A. Yes, sir.

Q. And then you cashed this State check for him in the way you have stated? A. I don't recollect whether that was the day or not.

Q. But about that time? A. About that time.

Q. But did he give his personal check for the amount of his bill? A. Yes, sir.

LEWIS D. ROBERSON, re-called.

Examined by MR. CORBIN.

Q. What is this Railroad Equipment Company, for which you have a memorandum here as having invested in its bonds? A. It is a railroad equipment company.

Q. Where? A. I think it is in New York.

Q. Where is the Dennison Water Company? A. Ohio, I think.

Q. Here is another for the Railroad Equipment Company—a Central Car Trust bond; where is that? A. That is in New York, I think.

Q. What is this recent \$1,100 investment, marked on the book \$1,132.50? A. Central Railroad of New Jersey.

Q. Who called these investments to your attention? A. I think the President of the Bank did, or the Cashier.

Q. Are the bonds there at the bank? A. He deals in bonds: he sends off and gets them.

Q. Are these bonds here at the bank? A. No; I have got them home; I ordered him to get them; that is the reason he put it that way.

Mr. Corbin—I desire to present some evidence on an entirely different matter. There are some witnesses here, and I will take it up now—and that is with reference to a portion of the revenues of this State which are derived from what are called judicial fees.

Some years ago the Legislature changed the system that had before prevailed for a century, and provided that the Judges of the higher Courts should be paid fixed salaries, and should no longer receive fees for giving orders and for their attendance in court.

It was then provided by law that these fees should be covered into the State treasury as part of the revenues of the State. I will read from the Laws of 1880, at page 250, with reference to the method of handling these fees and of covering them into the treasury.

“Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be the duty of the clerk of the supreme court, and of the county clerks of the several counties in this state, and of the clerk in chancery, and of the secretary of state of this state, within ten days after the close of each term of the courts for which they are respectively the clerks, to make a full and itemized statement and return to the comptroller of the treasury of this state, of the sums which they have respectively charged and included in taxed bills of costs, or which may have accrued in any case, or which they have received under the provisions of section two of this act, during said term, for any costs or fees taxable, or to be received by them as afore-said, in regard to or for the services of the chancellor, the chief justice and the associate justices of the supreme court, respectively, under any law now or hereafter in force fixing such costs or fees, which statements shall be made under oath and upon blanks containing a form of the said statement and oath, to be furnished to said clerks by said comptroller, and shall be filed in his office.”

That is for the services of the Judges of the Supreme Court and the Chancellor. The reports of the Comptroller for some years past have called attention to this subject, and have shown that the county clerks in this State are delinquent in this matter, and that the revenues of the State have not been collected in this respect from many of the county clerks.

For example, I call attention to the Comptroller's report for the year 1894, at page 16, where he says :

“The law requires all the county clerks, within ten days after expiration of the several terms of court to make a return and payment of the amount of fees charged or received, for the services of the several justices of the Supreme Court. The attention of the county clerks has repeatedly been called to this provision of the law. The counties which have failed to comply there-

with are as follows." And then follows a list of them, some of which are ten or twelve years in arrears.

The Comptroller, you will observe, is required by law to furnish a blank to the county clerks each term upon which their returns shall be made. I have here the blank which the Comptroller has supplied to me, which is furnished to the county clerks every term, which you will see is most full and specific, and calls attention to the statute and to all the items which should be returned. I have here the Comptroller's letter book showing the letters that he has written and the demands he has made upon the county clerks for these fees, and yet the arrearages still are as follows :

Atlantic county is more prompt than most counties. The present clerk, Lewis Evans, however, is in arrear in the terms of September and December, 1894. The law requires this return to be made within ten days of the close of the term, and the money paid into the Treasury. It is the State's money ; it is not the clerk's money.

Bergen county. The clerk, Samuel Taylor, never made any return for the December term, 1894. That is, however, quite recent, and not a very great delinquency.

In Burlington county, W. W. Worrell, the present clerk, has made no return for September and December terms, 1894.

In Camden county, Joseph C. Hollinshead, late clerk, still owes to the State, as by the balance shown by his own returns for the year 1880, \$645.19. The Committee will observe that those returns are in 1880, and Mr. Hollinshead's bond will soon be expired, if it has not already expired, as a sealed bond can only be sued on for sixteen years from its date.

John M. Branning, the late clerk, who I understand has removed to the State of North Carolina, made no return from January term, 1886.

Robert L. Barber, the present clerk, is in arrears from the October term, 1894, and the January term, 1895. That is not a serious delinquency, although the October term should undoubtedly be here.

Cape May county. Edward L. Rice, present clerk, made no returns for April, September and December terms, 1894.

In Cumberland county the present clerk, William D. Trenchard, has not yet returned the January term. This is not a serious delay.

In Essex county William A. Smith, late clerk, now deceased, on returns made by him was still indebted to the State on a balance for the December term, 1880, of \$40.65; April term, 1881, \$75.17; September term, 1881, \$102.03; April term, 1882, \$179.04. He made no returns for September term, 1882.

J. Warren Vanderveer, late clerk, on his own returns made at the close of the November term, 1887, owes the State \$472.58.

Samuel A. Smith, late clerk, owes a balance, including April term, 1890, of \$2,022.70, as shown by his own returns, and no returns have been made for the following terms: September and December, 1890; April, September and December, 1891, and April and September, 1892.

James T. Wrightson, present clerk, has made no returns for the following terms: December, 1892; April, September and December, 1893; April, September and December, 1894; seven terms of court, for the largest county in the State.

Gloucester county. Frank B. Ridgeway, present clerk, has made no returns for September and December, 1894. That is not very serious.

Hudson county. Dennis McLaughlin, late clerk. I may say that on this list Mr. McLaughlin seems to be in arrears for September and December, 1894, but Mr. McLaughlin appeared here this morning in answer to a subpoena, and brought with him a check for five hundred and odd dollars for the fees for the September term, and said that the December fees will be forthcoming. I may say that Mr. McLaughlin paid into the treasury recently between four and five thousand dollars for the previous years of his term. He was very largely in arrears, but he has settled all up except this last term, paying in altogether more than \$5,000.

Hunterdon county. H. Eugene Park, present clerk. No returns for December, 1894. That is the last term.

Mercer county. Barker Gummere, present clerk. No return for January term, 1895. That is not very serious.

Middlesex county. John H. Conger, clerk. No return for December (1894) term.

Monmouth county is seriously in arrears. Joseph C. Arrowsmith, late clerk, made no returns for the three terms of 1883, and the first part of October term. He is dead, I believe.

James H. Patterson, late clerk, made no returns for 1885, 1886, 1887, 1888, 1889 and 1890, six years, or eighteen terms of court.

Charles Ewing Patterson, late clerk, made no returns from July 8th, 1890, to the close of his term—November 12th, 1890. And the present clerk, Theodore Aumack, has not yet made return for January term of the present year.

Morris county. Present clerk, Elias B. Mott, has not returned January term.

Ocean county. William I. James, late clerk, made no return in December term, 1884, nor any of the terms for 1885 or 1886, or 1887, except one term. He is in arrears nine terms of court, and the last of these was 1887.

Charles B. Mathis, late clerk, made no returns for December, 1887, or April, 1888.

Mr. Havens, the present clerk, has made no returns for December, 1893, nor the three terms in 1894, being four terms in arrears.

Passaic county. Albert D. Winfield, present clerk, has made no returns for the last two terms, September, 1894, and January, 1895.

In Salem county, Clinton Kelty, late clerk, made no returns for May and October terms, 1894; and the present clerk, Mr. Richmond, has not yet made return for January.

In Somerset county, the present clerk, Matt H. Vanderveer, has not yet made return for September and December terms.

Sussex county is largely in arrears. John H. Nelden, late clerk, still owes \$19—no returns made for the year 1887—a small matter.

Charles W. Shaw, late clerk, made no returns for December term, 1887, nor any of the years from 1888 to 1892, being sixteen terms of court and no return.

Ora C. Simpson, the present clerk, made no returns for 1892, 1893 and 1894; seven terms in arrears.

In Union county James J. Gorber, late clerk, now deceased, owes a small balance due to November, 1893. I understand that the Comptroller has made terms of settlement with the executors, and that will be collected, or at least compromised.

William M. Oliver, late clerk, made no returns during his one-year term of 1894. The present clerk has not yet returned for the January term.

Chairman Voorhees—I can explain that, as far as the present clerk is concerned; the head clerk in the office has been ill for about two months, and the term is not yet closed.

Mr. Corbin—It is only fair to say that these terms in some of the larger counties are really kept open until the next term.

James S. Vosseller, deceased, has not made any return for 1887.

In Warren county William L. Hoagland, late clerk, made no return in September term, 1885; and the present clerk, John A. Wildrick, for the last term, December, 1894, no return.

These fees, Mr. Chairman, are part of the revenues of this State which are depended upon. At the time when they were paid to the Judges of the Supreme Court and the Chancellor they were thought to be very large fees, and if rumor is correct, they were collected with a great deal of promptitude by the Judges. Some of us who have been at the Bar twenty years can remember very well going up to the Judges of the Supreme Court with a two-dollar bill in one hand and the papers in the other; yes, and a five-dollar bill in one hand, to be paid for the signing of a *postea*. I have done it many times. Those fees were collected, and amounted to a very large sum of money. The fees were reduced, and the better system was adopted, giving judges salaries. But these fees, such as they are, are part of the revenues of this State and ought to be collected, and they ought to be paid in promptly, and not ten or fifteen years afterwards. And it has been suggested at the Comptroller's office that the law, as it exists, is very unsatisfactory in the matter of the requirement that the law does not give any penalty, this law of 1880, which I read. That may be so, but the penalties are of a pretty serious kind under the statute. It clearly is an impeachable offense, and probably an

indictable offense, and I rather think a county clerk could be amerced, as a Sheriff can, for holding moneys, and if an order would be made by the Court it would be contempt of court in addition. It may be, however, that this act should be altered and some legislation recommended. The thing is in a most unsatisfactory shape at present, and is in such shape that it is perfectly possible for these clerks to neglect the matter, as many of them have done.

I wish to say, in fairness to the present county clerks, that their attention has been called to it by the Comptroller, and most of the clerks have made up their returns right up to the present. It is those previous that are guilty of the serious delinquencies.

I have summoned a number of the county clerks and previous county clerks to come here this morning. I shall ask some of them to testify. It is possible that some suggestion may be made by some of them that may result in its being put in better shape.

I know it is a matter of anxiety to the financial department that the State has been, and is now, in such condition that the revenues of this State should be left remaining in dead men's estates, and men gone out of office, and their bonds should be looked to for it.

Many of these, some of the most serious delinquencies evidently will be lost to the State now unless the money can be recovered on the bonds, and to show what a broken reed the bonds have been to lean upon, I have asked the Secretary of State to bring the county clerks' bonds here, and I shall offer them in evidence before this Committee, and you will see that many of these bonds are almost outlawed; I am not sure but that some of them are quite so. I have not yet been through them. They certainly should not be allowed to outlaw without some steps being taken on behalf of the State to secure this portion of the State's revenues.

I believe the Comptroller said that in one or two cases these matters have been placed in the hands of the Attorney-General; but I have seen no account of any proceedings actually being taken in court.

Senator Ketcham—You speak of certain letters being written by the Comptroller. What is the date of those?

Mr. Corbin—Yes; I have here all the letters, written quite recently. The Comptroller's report for several

years past shows that he has been from year to year reminding the County Clerks of it.

Senator Skirm—Is there any law by which the Comptroller can compel the payment of these accounts?

Mr. Corbin—I suppose that the Comptroller could ask the Attorney-General to bring suit in the name of the State for the money, and in some cases I believe that has been done.

These letters are August, 1894. The Comptroller seems to have been diligent in giving notice and making the demands in every respect, except going to the length of a suit, except in one case. I find here a large number of letters written to county clerks, on August 14th, 1894, reminding them of this law, and reminding them that they had not made returns, and asking for the returns and money. This is the Comptroller's letter-book.

CHARLES B. MATHIS, sworn.

Examined by MR. CORBIN.

Q. Were you county clerk of Ocean in 1887 and 1888? A. Yes, sir.

Q. What is the reason that no returns of the Judge's fees are made by you in the December term, 1887, and the April term, 1888? A. I was ignorant of the fact that any return should be made at that time.

Q. Were those the only terms that you were county clerk? A. Yes, sir; I was appointed by the Governor to fill a vacancy caused by the death of William I. James.

Q. Your attention has recently been drawn to the matter by the Comptroller? A. Yes, sir.

Q. Is there any reason why you cannot comply with it? A. I think not; no reason now; I didn't understand just exactly what to pay, and Mr. Havens, who is my successor, has had the matter in charge and I told him as soon as he found what we had to pay together that we would settle the matter.

Q. Have you blanks from the Comptroller's office? A. I have had; yes, sir.

Q. I think they could give you instructions there? A. I got instructions, but it is very indefinite; it is a hard matter to know what fees are—

Q. Doesn't it all appear in the taxed bills of costs which you have charged up? A. Those taxed bills were never charged by us; that is to say, the Sheriff collected the money from the

County Collector and paid us, and in making up tax bills those items were omitted; we never received the money from the county at all.

Q. Well, that would be the part that the county is to pay, but take the civil actions in which the Supreme Court Judge sat, you understand that there is a column for the Court? A. Yes, sir.

Q. Which is collected by you with your own fees from the lawyers? A. I can give you a reason; that was never paid by me then, because I thought we could find just what should be paid, and would pay the whole together, because it was a very small amount; at any rate it didn't amount to very much; not that I wished to deprive the State of any benefit.

Q. Why couldn't you pay it all at the end of the term? A. I didn't know until Mr. Havens' term had nearly expired—his first term had nearly expired—that these were to be paid; no notice had ever been served on me up to that time.

Q. You didn't receive a notice from the Comptroller's office? A. No, sir; I had three terms of court.

Q. December, April and another term? A. September.

Q. You must have made a return for one term? A. I think I did.

Q. But for your next two terms you did not? A. No.

Q. You will give attention to it? A. Yes, sir; I have been for a long time, and I am now at present.

Q. Your bond must be eight years old? A. Well, the bond won't outlaw, I guess.

Mr. Corbin—I think that Mr. Mathis suggests one thing, which I have no doubt every county clerk will suggest, that is, that he wanted to pay it all at once; I suppose he means by that after he has collected it. The law does not put on that basis. The county clerk is not bound to enter up an order or seal a writ, or take any such action for anybody, without getting his fees, and if he trusts an attorney, or anybody else, it is his own affair. The State's revenues are not to be lost by reason of that, and any member of the bar can testify, from experience, that most of our clerks in this State are pretty diligent in collecting their bills, and some of the clerks' offices in this State have gone so far as to post the names of those lawyers who do not pay promptly; and, in fact, under our law, which is different from that in most States, the attorneys are made personally liable for the costs; and it is the county clerk's own weakness and goodness of heart if he allows

a dollar to get away from him ; he need not seal a writ or enter an order until he gets his money. Not that I would imply for a minute that there is any attorney in this State who doesn't pay his bills promptly ; if there be such a one, post his name, and do not seal his writs.

Witness—If you will allow me to make a statement. When I went in office, of course I succeeded Col. William I. James, who had been clerk for a number of years. He was considered quite good authority on all matters of that kind. Of course I was not familiar with public affairs, and when I went into the office Mr. James' son was my right-hand man, or deputy, in the office, and in making these returns, and in making out all reports, of course I called upon him for information, and I followed the custom which his father had always used in making out his returns ; the same custom has been followed by myself. I retired from the office, and thought everything was all right as far as I was concerned, that I was square up with everything, until nearly the latter part of Mr. Havens' term, when I received notice from Abbett, I think, that I was in arrears.

Q. We are not suggesting the least intentional impropriety on your part, but we want to have this subject stirred up and have it settled if we can. A. Mr. Havens, who will follow me, I suppose, can give more information.

Mr. Corbin—Mr. Mathis' bond is on file, approved November 21st, 1887.

A. C. HAVENS, sworn.

Examined by MR. CORBIN.

Q. You are the present clerk of Ocean ? A. Yes, sir.

Q. I observe that you have made no returns to the Comptroller for the December term, 1893, nor for the three terms of 1894. What is the delay, Mr. Havens ? A. Well, sir, I don't know that I have any legal excuse. The object of my delay, however, was first, after the change in the Comptroller, was to try to ascertain, if I could, something definite about what my duty was in regard to it. The returns were made for the April term, but it was a long time before I made the returns to the former Comptroller, Col. Heppenheimer. I want to say further that I never received a blank statement until I had been clerk, I think, for more than three years.

Q. That is a clear violation of the law in the Comptroller's office. The law distinctly says that these blanks shall be furnished to the county clerks, and it is only fair to the clerks to say that. *A.* I confess that on the principle that every man ought to know what the law is, perhaps I ought to have looked up the law when I was elected clerk, and determined for myself what I ought to have done; that, of course, I didn't do, and I received this notice from Comptroller Heppenheimer, as I remember it, or not directly from him; I think I received notice from Leon Abbett, Jr., who was, perhaps, counsel for the Comptroller.

Q. Mr. Abbett addressed you as counsel for the Comptroller?

A. I have the communications at home; I didn't think of them.

Q. And had you not previous to that received any word from the Comptroller? *A.* I don't think, sir, that I had.

Q. You had not received any blanks? *A.* I am quite sure I had not, and I entered at once into a correspondence with Mr. Abbett upon the subject. I, of course, was thunderstruck; I I didn't know I was involved in any court delinquency with the State of New Jersey, which I try to be a legal, decent subject, and I asked what I might do; I was desirous to know what my duty was with respect to it, and he sent me three or four—he referred me to three or four statutes on the subject; one, I think, was 1879 and one 1880, and, perhaps, still another, and when I began to examine the fees under this statute I found confusion worse confounded; I found, at least, three different fees for one item: I guess that will be found in the fee list, and I didn't know what to do, so I wrote for further information. I am sure I didn't know whether to tax myself fifty cents, sixty-five cents or a dollar, when those three fees were stated for one particular delinquency, and I think you will find it.

Chairman Voorhees—The custom has been to charge the largest sum.

Witness—That depends upon who charges it perhaps. Well, those are the facts; and then I began to inquire—I couldn't determine about it—I inquired of different county clerks as to what their custom had been. The chief thing to my mind was the injustice of asking a clerk to pay a fee for an indictment found simply because the grand inquest of the State of New Jersey had found that indictment, and the culprit never was found by the sheriff or anybody else, and the clerk had no means whatever of getting the fee out of anybody.

Q. You are not chargeable with any fee which you are not by law authorized to collect? *A.* Well, that perhaps is so, but how

could you collect—I beg your pardon for asking the question—how could you collect the fee when there was nobody to collect it from?

Q. The county. *A.* In a case in which the culprit never turns up?

Q. I haven't in mind the statute of which you speak, but if the statute charges you with a fee you may depend upon it the statute gives you a lawful claim against the county for it. *A.* It may be so as to that fee; you will pardon me; I will tell you how I came to neglect, perhaps, to tax those fees; when I was elected county clerk of course I was burdened as to the duties of the county clerk, as almost any man would be who had no experience, and when we came to tax the fees for the criminal fees in the next term, within a month after I had been sworn, I inquired of the sheriff, who was a man of considerable experience—he was then serving the fifth year, I think he had been deputy under the former sheriff, and was serving his fifth year—and he gave me the information he had gleaned from experience with the former clerk.

Q. You have been county clerk now for two terms? *A.* This is my second term; one term and a year.

Q. You took office in 1888? *A.* Yes, sir.

Q. You have made your returns, as I understand it, from 1888 to 1893? *A.* Yes, sir.

Q. It is only the last four terms that are in arrears? *A.* Yes, sir.

Q. Why did you not continue to make your returns? *A.* Well, in a moment, if you will bear with me, I will explain that. I struck out and never collected those fees, because the sheriff stated to me that the former clerk had not done it, arguing that, or stating that, since the Supreme Court Justice was a salaried officer there was no one to pay this to; and he said, “if I tax it and you collect it from the county, you will pay it over to me and I will pay it back to the county again.”

Q. Don't you think you could be better advised by consulting other counsel than the sheriff on such a subject as that? *A.* I probably might, without doubt.

Q. It is a matter too technical for any one than a lawyer? *A.* I received very poor satisfaction from the counsel of the Comptroller under the circumstances, I assure you.

Q. Is there any reason now why you can't make your return? *A.* No, sir.

Q. I see you have filed two bonds here? *A.* I owe the State, and I am willing to pay it and ready and willing at any time.

WILLIAM W. WORRELL, sworn.

Examined by MR. CORBIN.

Q. How long have you been county clerk of Burlington? A. I was elected in November, 1893.

Q. Have these blanks come to you from the Comptroller. A. I found some in the office when I took possession.

Q. I see you are back for September and December terms? A. October and January our terms are.

Q. What delays the procession with you? A. Well, nothing particularly, except getting the fees; I haven't collected from the attorneys.

Q. You don't think the law allows you to wait for that, do you? A. No, sir; I don't.

Q. Is there any difficulty after you have once made out one or two of these returns and got things working, is there any difficulty about working under this law? A. No, sir, I don't find any at all.

Q. Easy enough done after a man learns how? A. Yes, sir.

JAMES T. WRIGHTSON sworn.

Examined by MR. CORBIN.

Q. I see that your official bond was filed November 17th, 1892, and I suppose you took office about that time? A. On the 15th.

Q. The Comptroller reports to me that you have not made any return for December term, 1892, nor for any of the five terms since then, being six terms in all. What is the trouble about the returns from Essex? A. The county of Essex and the county clerks of Essex are in litigation, and have been, and the county hasn't paid me but very little money since I have been in office.

Chairman Voorhees—What has that got to do with the State money?

A. I will tell you; it only makes this to do with it. I don't think it has anything to do with it except with a financial standpoint of the county clerk, and I say to you I called on the State Treasurer—it isn't my intention to rob the State or an individual out of a cent—and I spoke to the present Comptroller, and also to the other Comptroller, that these things had been adjudicated, and owing to the change of opinion of the people of the county—we had a Democratic force there, and the people saw fit to remove them during the last part of the office of the auditor, when these things were adjusted by law, which Mr. Voorhees very kindly helped us do. The auditor then and counsel thought as long as there was going to be a new election they thought

perhaps they had better wait before they took those bills, and there was a change, and under the new regime we have a new counsel and a new auditor.

Q. Let it be so. Suppose the county hasn't paid you. What has that to do with making your returns? A. And I presumed that I would make the return with the cash, and I went to Mr. Hancock, in the presence of Mr. Gummere, with my certified check, and said to him, "Mr. Hancock, I will in a very short time be able to make my returns to you, which I presume to do if it is necessary, or we can send him the return now.

Q. You make your return first? A. Yes, sir.

Q. Then the Comptroller goes over it and it goes to the Treasurer, and if it is found correct, then you pay the cash, less 5 per cent? A. I expected to send my report with a check.

Q. Does the change in political opinion in Essex county affect the revenues of the State? A. It might; it seems to have affected the revenues of our city and county.

Q. Under what sort of administration are we to expect the greatest revenues? A. I say to you that as far as the county clerk's office is concerned this State will get it all.

Q. I find Essex some five years in arrears.

Chairman Voorhees—I never knew that Essex was behind in the procession before.

A. I can say to Mr. Corbin and Voorhees that all lawyers are not as prompt as they are. I have received a check for both of the last bills sent you.

Q. You speak of litigation with the county clerks. Are some of the previous clerks in litigation? A. Yes, sir; their fees are tied up too.

Q. Those are bills against the county? A. Yes, sir.

Q. That doesn't touch the civil business? A. No, sir; but the fees from the county really are all the profit there is in the office.

Q. Short of cash? A. Yes, sir; I don't know as you have ever been afflicted that way.

Q. I have heard of such things. Wouldn't it be pleasanter if you should make returns for these six terms, even if you were not quite ready to give a check, because the county is holding it back. You see the officers and Comptrollers whose duties it was to go over these bills and pass upon them are now out of office? A. I will say to you that it is a misunderstanding on my part; my returns are made up until January 16, of this year, in my office, and they will show there. Now, I will send them down, and I will also send the wherewithal.

J. WARREN VANDERVEER, sworn.

Examined by MR. CORBIN.

Q. For what period were you clerk of Essex county? A. From November, 1882, to November, 1887.

Q. You made your returns, I understand, in full, but that the amount has not yet been paid to the State, or, at least, not all of it; is that correct? A. That is correct; yes, sir.

Q. Your term closed November 17th, 1887? A. Yes, sir.

Q. And there seems to be a balance of \$472 you owed the State. That is a good while ago? A. Yes, sir.

Q. I see your bond was filed between 12 and 13 years ago. Is there any difficulty about it—any litigation or any other reason?

A. There is no litigation. In the first place I was delayed making returns, and in the second place that represents all the money that is due to the State, money that I have not collected; and I have got some money coming from the county, waiting for one to pay the other. The county is yet owing me.

Q. You did make a return for every term of your office? A. Yes, sir; the returns are there in full.

Q. Did you find any difficulty about making up the returns? A. In what respect?

Q. I mean, is there anything that is not clear about the law? A. No.

Q. You can make it up from your books without difficulty so far as the clerical part of it is concerned? A. Yes, sir.

ROBERT L. BARBER, sworn.

Examined by MR. CORBIN.

Q. You have been clerk of Camden since when? A. Since the 25th of February, 1891.

Q. Well, then, you have made quite a number of returns to the State? A. I have.

Q. I see for the last two terms you appear to be back, October and January? A. The two terms there should be changed; it is September and December; there has been a change in the court.

Q. Is there any particular difficulty about working under this law now? A. None with me; mine have all been paid. I desire to say this to the Committee: that we commenced the September term on the second Tuesday, and we have been in continuous session to the present time; at no time could I have been charged with being delinquent, except on the September term, and that running right into the December term, I didn't make that return.

Q. The December term is not yet closed? A. The December term closed on last Tuesday week, when the April term com-

menced, and I have paid the Comptroller the September term, and also for the December term which closed last Tuesday, and to-day would have been, in the strict letter of the law—

Q. You have paid him to-day? *A.* I have paid him; yes, sir. I have made my returns, but the court just continuing from one term right into the other, which we have done now for six months, is the only reason I have.

Q. In your experience you have not any difficulty with the operation of this law? *A.* No, sir, none whatever. I think there was one matter; you wanted to know whether there were any suggestions of the clerk?

Q. Yes. *A.* And you also remarked that the clerk didn't have to file papers unless they were paid for. Well, that is all right. It is very inconvenient sometimes for a lawyer, I suppose, to send nine cents or eighteen cents or twenty-five, &c. I think it would be a good scheme to prohibit a clerk from filing the papers unless the fee does come.

Q. Then he can make his deposits so as to meet them? *A.* It is very inconvenient for an attorney to send nine cents or any small fee there, and if the clerk don't take the paper and file it he has offended some one, and eventually the clerk will be out. I want to say to the Committee this: I have paid my September and December fees, which closed last Tuesday a week, and I have paid \$250 there to the State that I have taken out of my own pocket in advance; I haven't collected it from the lawyers, and some I guess I won't, too.

Q. Isn't it a fact, that so far as the lawyers are concerned the principal embarrassment is in enforcing that law which allows you to collect the fees? *A.* Yes, sir.

Q. In other words, you would have to discriminate? *A.* Yes, sir; the moment that a clerk does that he is offending the lawyers, and he will become very unpopular.

Q. In Chancery, the Clerk in Chancery sends to all of us who are lawyers and says we have no money here to meet the Chancellor's fees, and we send him a check for \$50 or \$100, which he passes to our credit until it is exhausted and he sends more, and we send him more; how would that work with the county clerks? *A.* Maybe a good many lawyers would think they were just as able to keep that as the county clerk.

Q. Then you need not file their papers? *A.* It may work very satisfactory in the Court of Chancery, but to a county clerk, where the clerk is supposed to know pretty nearly all the lawyers, &c., and all more or less friendly with him, I don't think the clerk could get the deposit.

Q. You think a law forbidding the filing of papers or sealing of papers would answer the purpose? A. Yes, sir; and make a penalty to it.

Q. We are asking you these questions with a view to relieve the embarrassment which we know the clerks are now under? A. Well, I am; I know that.

Q. That would be your suggestion, to compel pre-payment? A. Yes, sir, of the court fees; let the clerk take his chances on the other fees.

JOSEPH C. HOLLINSHEAD, sworn.

Examined by Mr. CORBIN.

Q. For what period were you clerk of Camden? A. Five years, between 1880 and 1885.

Q. You appear to have made returns to the State for every term, but there appears to be a balance of \$645.10 due the State. Is that correct? A. It is correct according to the report of the Comptroller which I have in my pocket, as far as I know.

Q. That is made out from your returns, is it not? A. Yes, sir. I am very glad I happen to have that with me, for I didn't know what I was coming here for to-day, and it has been so long since I was county clerk that I have almost forgotten that I ever was county clerk.

Q. These moneys, you know, are part of the revenues of the State? A. Yes, sir; I was surprised that I owed the State any money a short time ago; I expected it had been settled up long ago.

Q. The matter had escaped your attention? A. No, sir; I thought it was all settled when I left the office; that was the impression I had, but I am very glad to have this to refresh my memory with. I find here upon the report that my returns were made regularly at every term, and I have returned all the money that I have collected. This balance of \$645 is money that I have not collected, nor couldn't collect during my term, and I was not aware that I was responsible or gave any security for moneys that didn't come into my hands in any way or shape, or couldn't get, and the court got in my way, and when the comptroller came to my office, or his deputy, about these fees, we asked what should be done in the matter, and he recommended that we should apply the rule of court, which was that every attorney that had not settled his dues at the previous term or court, we should apply the rule of court and file no more papers until he was settled. We applied that in two or three cases, and the court would order their cases put on the list and the business to

go on, and the consequence was we were prohibited from collecting this money.

Q. What court did that, in defiance of the rule of court—put their cases on when they wouldn't pay their fees? *A.* It was Parker's court.

Q. The Circuit Court of Camden county? *A.* Yes, sir; Joel Parker. I asked him several times what would be done in such cases; I told him I didn't know what to do, and I asked him for counsel; I thought he was the proper one to go to; and he refused to talk to me; he said I ought to have private counsel of my own; and I had several, but they all differed, and I knew no more when I went out of office what my duties were, and don't to-day, than when I went in; I only had to take what I could get, the best information I could get, and Parker refused to give it to me, and this money that is now due me—

Q. Have you never collected any of this from 1885 to the present day? *A.* Not a dollar since I came out of the office.

Q. Lawyers are good, aren't they? *A.* I wish I thought they all were.

Q. (By Chairman Voorhees)—You have seen so much of it you are probably forming a true estimate of a lawyer? *A.* I would certainly formed a better opinion if I hadn't seen as much, no doubt.

Q. I don't know whether they are any more delinquent than some of the county clerks? *A.* I am, in my term of office, outside of this, or with this, about \$2,500 money that I can't collect; I would be glad if somebody would put me in some shape to collect it.

Q. Of course, if the Court disregard the settled rules of court I can see how that would be embarrassing. Judge Parker was one of the best natured men in the world and could hardly refuse a man anything that would accommodate him, but there is a rule of court about that, made by the Supreme Court, that cases should not be put on the list unless the fees are paid. *A.* I thought I had no authority.

Q. And you had the further authority of the law that no man could compel you, not even the Judge, to seal a writ or file a paper unless it was paid for. *A.* I wasn't aware of that. I thought I was right when I was obeying the order of the Court; that is what I thought; if I made a mistake, it was through ignorance, that is all.

Q. Have you this matter under consideration now. Is there anything being done? *A.* Well, that is all that has been done

about it; I had a notice from the Comptroller some six months ago.

Q. This is getting to be a pretty old matter. Your bond is dated in 1880. A. My counsel—he says that I am not responsible for moneys that I can't collect; whether I am or not I don't know; that is a question to be settled; I suppose, I can't say that I am or not. I think it is a pretty hard case to place a man in a position to be responsible for money he can't get when he is debarred from collecting it.

Q. They shouldn't put a good natured man in as county clerk?

A. In two or three cases our counsel there in Camden seemed to think that the clerk had no right to this money at all, that they thought the sheriff was bound to collect this money, and they paid—when I was pressing them—paid the sheriff the money, and I have never received it.

Q. You are now talking about the county's part for criminal cases? A. I can't tell; some of the fees—it has been so long that I can't tell you what they are; it is very much complicated and I would suggest the laws would be changed about the fees.

Q. Drop out fees altogether? A. Wipe them out, or make it in some shape so that somebody could understand it: I wasn't there long enough to get posted.

Senator Skirm—You ought to have been elected again.

Witness—I don't want to be; I had enough of it.

Recess.

Mr. Corbin—I desire to bring to the attention of the Committee a matter that was suggested to me by one of the Senators of the Committee, and that is the matter of transportation upon railroads, which has been used by certain State officers and others and paid for by the State. The method has been substantially this: When persons desired to be transported at the expense of the State, application was made to the Quartermaster-General, who issued an order for military transportation. These orders for military transportation were presented to the railroad company and tickets obtained for them and so the carriage upon the railroads was secured. It has been used for purposes entirely aside from military service; in fact, I see that women, as well as men, have used it, but it has been done through the department of the militia for convenience, perhaps, but I desire to show, as suggested by one of the Senators, precisely what has been done and to offer evidence in regard to it.

S. S. ARMSTRONG, SWORD.

Examined by MR. CORBIN.

Q. Are you employed in the Quartermaster-General's office?

A. Yes, sir.

Q. In what capacity? A. In charge of the clerical work.

Q. How long have you been employed there? A. About 20 years.

Q. You are familiar with the details of that office, are you?

A. Yes, sir.

Q. You have issued from time to time, have you not, orders for military transportation to the Superintendent of the State House? A. Yes, sir.

Q. And to the Executive Department? A. Yes, sir.

Q. Just explain the method of procedure when you issue an order for transportation. A. That is one of the books; cut off the order, it is attached to that and issued and presented to the ticket office and ticket given for it.

Q. Are these some of your orders? A. Yes, that is the order.

Q. And this is the stub of the order? A. Yes, sir; tickets issued on that order.

Mr. Corbin—The orders read in this way: "No. — State of New Jersey, Quartermaster-General's office, Trenton, February 28th, 1890. Service Superintendent State Capitol: The Pennsylvania Railroad Company will please transport B. J. Ford, Superintendent State Capitol, from Trenton to Jersey City; exchange for special ticket. Richard A. Donnelly, Quartermaster-General;" and below receipt "I certify on honor that the Pennsylvania Railroad Company has furnished transportation for myself and men (and men is scratched out) from Trenton to Jersey City in compliance with the above request. Bernard J. Ford."

Q. What authority did the Quartermaster-General have for issuing this military transportation to Mr. Ford? A. There were a few orders issued before the present Quartermaster-General was commissioned.

Q. Who issued the order to the Quartermaster-General? A. The Governor.

Q. Is this the first order? A. This is the first order.

Q. Order received from the Commander-in-Chief? Yes, sir.

Q. "Trenton, N. J., February 14th, 1892; General Richard A. Donnelly, Quartermaster-General, Trenton, N. J., General: You are hereby authorized to issue at the request of Mr. Bernard J. Ford, Superintendent of the State House and grounds, such

transportation as may be required by him in connection with his official duties, and report monthly the amount thereof. Very respectfully, Leon Abbott, Governor;" was another order subsequently given in respect to this? A. I think there was another order later in 1893.

Q. The other order is dated Trenton, May 31st, 1893. "Quartermaster-General, Trenton. Sir: Please furnish to Mr. Bernard J. Ford, Superintendent of the State Capitol and adjacent public grounds, such transportation as may be required by him from time to time for employes of his department traveling on business connected therewith; railroad bills for same to be certified by Mr. Ford and submitted to me for examination and approval. Very respectfully, George T. Werts, Governor.

Q. Have you made up a list of the transportation furnished under these orders of the Commander-in-Chief? A. Yes, sir.

Q. Is this a list, which I have here? A. Yes, sir.

Mr. Corbin—The list of transportation is long and numerous, as the Committee will see—several hundred.

Senator Skirm—Issued to whom?

Mr. Corbin—I will read some of them, and the stenographer can copy this list in the record. It begins January, 1890.

Chairman Voorhees—Does it appear what connection they had with the military department?

Q. When bills came in from the railroad company for this transportation, did other bills come in also for military transportation? A. They came in on the general bill.

Q. You picked these out from the general ones; to whom did you render them? A. To Mr. Ford.

Q. And they were paid and charged to the State House expense? A. Yes, sir.

Q. (By Senator Skirm)—Paid by Mr. Ford? A. No, certified by him, and not entered in the military account at all.

Mr. Corbin read a statement of orders of transportation issued from the Quartermaster-General's Department to Department of Superintendent of State Capitol and Public Grounds during years 1890, '91, '92, '93 and '94.

Senator Skirm—Why should these people travel at the expense of the State?

Mr. Corbin—I suppose, with the exception of certain of these, when, for instance, Mr. Lambert, the carpenter, and others were sent on errands for the State, that it was not legitimate State business at all. There

is a portion of it, undoubtedly, that is, and the rest of it is not. Mr. Thompson lived in Elizabeth, and there are scores of his here.

Senator Skirm—But he was paid by the State for his services.

Mr. Corbin—No doubt. Mr. Ford, as I am informed, also held annual passes on the railroads, but if he did hold passes, these were issued for some other person. I will be able to prove, I think, that he held passes.

Q. (By Senator Skirm)—Who is Foster? A. Document Clerk at that time.

Q. (By Senator Skirm)—Who is Hayes? A. Clerk in the Treasurer's office.

Q. (By Senator Skirm)—Who was Gagg?

Mr. Corbin—He was the fellow who got the Republican caucus secrets last year.

Senator Skirm—What was there at Manunka Chunk that required the presence of these State House officers there?

Mr. Corbin—I understand that one of these officers lived there, and it was no doubt for his transportation, and his friends that this was given.

Senator Skirm—It seems to me that this is worse than highway robbery; it is a clean steal, with no opportunity for the State to protect itself.

Mr. Corbin—It isn't a percentage.

Chairman Voorhees—It is a mean sort of a steal.

Senator Ketcham—That is probably an excursion to Manunka Chunk.

Senator Skirm—In other words this was a steal on the part of these people on the State of New Jersey on the one hand, and then the railroad company on the other, because I presume they got reduced fare.

Mr. Corbin—Some of this transportation was no doubt on legitimate errands and a lower rate was availed of by this method, but it seems to me that according to law, it should be in the service of the State.

Senator Ketcham—What is the aggregate?

Mr. Corbin—\$365.30. It is at the military rate of transportation, two cents a mile.

Now, there is another item to which I wish to call your attention. I see they have issued transportation to quite a large extent to the Executive department.

Q. What order had they for that? A. By a verbal order.

Q. Who gave that verbal order? A. Well, we issued a few at the request of Mr. Fox, and a few at the request of Mr. Gnichtel, and after that they required so much of it that the Governor suggested having a few blanks.

Q. It was done, then, under the order of the Commander-in-Chief? A. Yes, sir.

Q. What did you then do? A. Made those up in the same shape.

Q. You gave him these blank orders for transportation? A. There is a memorandum in the order book, "Order No. —, from Executive Department."

Q. And you put them in the Executive department, and when they ran out they came to you for more? A. Yes, sir.

Q. And are these some of them that have been paid by the State? A. Yes, sir; in that package.

Q. These seem to foot up \$822 to the Executive department; they are quite numerous?

Mr. Corbin—There is one batch of them here amounting to something like \$126 in 1893-4, that I understand were for the transportation of Mr. Hulme and Mr. Riker to Newark and back, at the time of the illness of the Treasurer, Mr. Grey; some one had to go every day for signatures; he wasn't able to come here, and the transportation was got in this way; that is an economical way to get it; that was in November, 1893, and January, 1894. These I have in my hand now were all issued for that account, quite a large number of them; I think with a few exceptions they are used by Mr. Riker and Mr. Hulme going to Newark. These others were used largely by Mr. Samuel Gordon going to New York, I think, in the service of the Governor; by John H. Fox going to Sea Girt and New York, and Mr. Fox and Mrs. L. Ringold to Sea Girt. Gnichtel, the Governor's stenographer, used some, and very largely Gordon and Gnichtel and Fox used them to Sea Girt and New York.

(A copy of this list of transportation was ordered entered upon the record.)

JOHN M. BONNELL recalled.

Examined by Mr. CORBIN.

Q. Do you happen to know whether Mr. B. J. Ford, the former Superintendent of the State House, had a free pass on the Pennsylvania railroad? A. Well, he showed me an annual pass on the Pennsylvania railroad.

Q. What year? A. 1894.

Q. Did he have it for 1893 and 1892? A. I couldn't say about that; he showed me the annual pass for 1894.

Mr. Corbin—I call attention to the fact to show that the transportation that came in his name was probably for other persons.

Q. (By Senator Ketcham)—Since your incumbency, has there been any such necessity for passes like these? A. There has never been any necessity for it.

Q. (By Senator Ketcham)—Is there anything on the Treasurer's books since you have been in the office? A. One bill for shipping the laws from the printer in Camden to the County Collectors throughout the State; I sent my Document Clerk there to ship them, and he returned the bill to the State for transportation, and I thought it would be much cheaper to send him there than to have them shipped here and packed in boxes again; but I never found it necessary to ask for transportation for any of my help.

Q. This system has been entirely discontinued, as far as your office is concerned? A. I don't think it is necessary.

Q. How long have you been here in charge of the State House? A. A year the 28th of May.

Q. How many occasions during that year have you had for transportation for your employes? A. Only once; that was in shipping these laws that I speak of from the printer, in Camden, to the different county collectors throughout the State, and I insisted on the document clerk making out a bill and rendering it direct to the State.

S. S. ARMSTRONG, recalled.

Examined by MR. CORBIN.

Q. Is this system still used there by the State House Superintendent or by the Executive Department? A. No, sir; expired.

Q. How long since it has been unused? A. I don't think—very little was issued in the spring of 1893; I think very little of it, issued on an order of Mr. Fox.

Q. Is any military transportation now furnished to anybody outside of the military service? A. No, sir; except disabled soldiers of the war.

Q. On what occasions? A. To transport them to their home at Newark.

Q. That belong in the soldier's home? A. Go, probably, to some point to be examined by a surgeon; very few cases of that kind.

Q. To be examined with a view to getting a pension? A. Yes, sir.

Q. And that you consider to be a semi-military service? A. Charity; very little of that.

Q. But besides transportation of soldiers and veterans, is any of the military transportation now used for other persons? A. No, sir.

Q. How long had this system been in force? A. Well, never to that extent; there has always been more or less of it.

Q. But you say, during these three or four years, it was excessive? A. Yes, that is more than the average.

Q. Ever since the war it has been the custom for the Quartermaster when called upon, to give this free transportation. Do you think that idea has been expelled from the people now? A. Yes, sir; gradually died out; that has been about the heaviest of it.

Q. Had you any knowledge of who used these passes issued to the Superintendent of the State House? A. Not altogether, no sir. I wasn't present always when the application was made; some I made out myself and some were made out by an assistant in the office. Ford always gave some good reason for it; I always thought he would be on hand to answer for it.

EUGENE J. MURPHY, recalled.

Examined by MR. CORBIN.

Q. You were employed by Mullins & Co.? A. Yes, sir.

Q. Did anybody in connection with his firm have any of this free transportation? A. Yes, sir; there was a carpet cutter by the name of Rickert.

Q. And from whom did he get it? A. Well, Mr. Ford; I will tell you how it came about; Mr. Ford came to the store one day and was ordering some carpets and Mr. Mullins said to him, "Well, Barney, I suppose you can let us have a pass for that, can't you?" he says "certainly," and he went to the telephone and telephoned to Mr. Donnelly's office an order that a pass be sent in his name.

Q. In Ford's name? A. Yes, sir.

Q. Did it come? A. Yes sir.

Q. On how many occasions did Mullins' cutter have this transportation? A. I remember two very distinctly.

Q. Look at one of these orders for military transportation; was that the kind of a pass? A. Yes, sir.

Mr. Corbin—I present to the Committee a contract, as I understand, sent by Mr. McDonnell, the Chairman

of the Board of Arbitration, between him and the Lehigh Valley Railroad Company with reference to his advertising in the *Paterson Labor Standard* in consideration of free transportation over the railroad.

I understand the Chairman to say that this is sent to the Committee in further extenuation and explanation of his testimony touching the distinction between different kinds of passes; it is dated February 25th, 1895: "The undersigned publisher and proprietor or business manager of the *Paterson Labor Standard*, a weekly newspaper published at Paterson, N. J., hereby certifies that said paper is of a general news character, has a bona fide circulation of over ——— copies; he solicits the advertisement of the Lehigh Valley Railroad Company and agrees to accept non-transferable transportation over the line of said railroad at full first-class rate in payment for the same; he agrees to publish as follows——"

Chairman Voorhees—And he is also to publish reading notices from time to time in 1895 and such local notices pertaining to the Lehigh Valley Railroad as may be sent and ordered by the general passenger agent, and in the event of the discontinuance or change in the management of publication, to return at once all unused editorial transportation to the company. 4th. Further agreed that the transportation furnished shall be non-transferable and furnished only upon the written order of J. P. McDonnell. 5th. To send copy of the publication regularly to the general passenger agent—the usual newspaper contract.

I thought it was but fair to the gentleman that he should have the distinction made between a free pass and a paid pass.

Mr. Corbin—To resume with reference to the subject of printing, advertising and stationery, to which I made reference last week. I have made up some figures for the use of the Committee. I stated at that time that the printing and advertising was not all stated in the Treasurer's accounts under those heads. If the Committee will turn to the second page of that schedule you will see, for instance, under the head of printing, last year, there is charged \$43,272; under the head of advertising, \$89,374. Now, an inexperienced person might suppose that those two accounts, being separated in that

way, covered all the printing and advertising done by the State government, but far from it; the printing and advertising will be found in 26 accounts. Now, if you will turn to the first page again and take out what is obviously printing, advertising or stationery, it will be found that the following sums were spent by the State for those purposes; this includes the advertising of the laws and other advertisements and printing and stationery on the face of the reports:

In 1891 the sum was.....	\$174,694 04
In 1892 the amount was.....	\$177,998 93
In 1893 it was.....	\$186,938 30
In 1894 it was.....	\$191,835 23

I desire to say further, that this by no means represents all the cost of printing and advertising. There are numerous other items which do not appear upon the surface in these reports; I have one in mind now for which I have a voucher for nearly \$5,000 for a single item of printing. Some of the boards, under existing laws, draw from the treasury a lump sum, a sum for the administration of their affairs, and out of that they extend for their own printing and stationery and advertising, sums, the amount of which can only be found by a long further and possibly tedious examination, but I know that they are very large; as I say, I have one bill in my possession for nearly \$5,000 which does not appear anywhere in the State's records, I mean reports. So that my estimate given to the committee the other day of \$200,000 per year, as expense of printing and advertising and stationery, I think is quite within the truth, and it can be demonstrated if we have time enough to go into every detail of expenditure.

I think it is unfortunate that the accounts are so kept that these things are not obvious to the Legislature. An inattentive reader of these books might well come to the idea that we were spending only \$43,000 a year for printing, when, in fact, it is five times that; or, if he looked at the advertising, he might think it was a trifle over \$100,000, when it is over \$200,000, and it is scattered through the accounts and much more of it covered up and not shown at all. No doubt the necessary printing and advertising is a matter of very con-

siderable expense. No doubt there is a vast amount of it that is legitimate and proper, but I must say that the extent to which these figures have gone and the total money that is expended in this way, being larger than any other expenditure of the government by far, is quite a startling fact for counsel, if it is not for the Committee, and does seem to require some sort of consideration, at least, with a view to curtailment in this direction.

Senator Ketcham—How much of it was done under bids?

Mr. Corbin—What you see put down as printing, \$43,000, is largely done under bids, but not all of it; the part that is done under bids is by no means the larger part; it is the smaller part when you take into consideration the advertising and the the rest. Now, understand, the printing of the laws in the newspapers is the biggest item of that, and the price of that is fixed by the Legislature, and that is going to be a very large sum of money this year.

CHARLES BECHTEL sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Trenton.

Q. What is your occupation? A. It is various; clerical mostly.

Q. Are you expert in the matter of printing and of printers' work? A. Practical printer.

Q. You have been employed by the State, have you not, for many years past to measure up and estimate the value of printing done for the State? A. About 30 years.

Q. These documents that come in printed under contract are examined and measured by you, are they not? A. Yes, sir.

Q. And you estimate the amount of matter which they contain? A. I count it.

Q. And certify to the correctness of the bills? A. Yes, sir.

Q. How is the matter submitted to you; when do you first see it? A. When the bill is rendered to the Comptroller.

Q. Well, the bill is turned over to you? A. It is turned over to me.

Q. With the document itself? A. Yes, sir.

Q. Do you also measure up the documents which are printed without any contract? A. No, sir.

Q. Are they never submitted to your inspection? A. No, sir.

Q. Who passes on the correctness of those bills? A. I don't know, sir.

Q. Have you to do with anything outside of the documents which are given out in the annual contract? A. Well, yes; advertisements are submitted; I measure all those.

Q. The printing of the laws in the newspapers? A. I measure those.

Q. I suppose with those, you measure them up once in one newspaper and pay all newspapers alike? A. That determines all the rest.

Q. I show you a document headed "Public Printing, 1894, Specifications and Conditions." Does this contain a list of the contract printing of documents and laws? A. Yes, sir; the laws are on a separate sheet; there is another specification for the laws.

Q. How about the journal of the two houses? A. That is another specification.

Q. Is that a printed specification like this? A. The House journal is printed by order of the Legislature; the Senate journal is contracted for afterwards.

Q. Do you measure up the laws that are printed in book-form? A. Yes, sir.

Q. And the journal of the two Houses? A. Yes, sir.

Q. In other words, everything that goes by contract? A. Yes, sir.

Q. Do you pay any attention to the calculation of the prices, and whether the prices and the bill conform to the contracts? A. Took their bids for that; took the bids of the contractor.

Q. Don't you take the contract? A. And the contract, of course; their bid is in the contract specifying what documents are in that particular bid.

Q. When these contracts are given out by the Comptroller, are you called in at that period of it? A. Yes, sir.

Q. Do you help to get up these specifications? A. Yes, sir.

Q. They are practically the same from year to year? Q. Yes, sir.

Q. Do you assist in making up a list of documents to be published? A. No, sir; the Printing Committee has done that.

Q. You mean the Joint Committee of the two Houses? A. Yes, sir.

Q. When printing is done in the German language, does it cover more space than it does in English? A. Yes, sir.

Q. How much more? A. Well, pretty near one-third more.

Q. Why is that? A. Well, that has been explained to me, because the German language takes so many more words to express the same idea.

Q. Are the type any larger? A. The same size.

Q. Is there more padding? A. No, sir; not in those books.

Q. I show you these two volumes, constituting the report for 1893 of the Board of Education; I observe that volume 2 is entirely made up, except the headings, of table work, figures, being some 530 pages. The English and German figures are the same, are they not? A. Yes, sir.

Q. And the table, with the exception of the headings, is just the same in English as it is in German? A. Yes, sir.

Q. Well, when the translator is paid for translating English into German, is he paid for translating these tables? A. Yes, sir.

Q. I observe that, in the first volume of this report, that nearly half of it, that is to say, some 500 pages, is also made up of figure work, tables, so that in this report there is more than a thousand pages of tables? A. Yes, sir.

Q. The figures, which are precisely the same in German as they are in English, and yet the translator, you say, is paid for translating a thousand pages of tables, is he? A. Yes, sir.

Q. At the same rate as he would be a thousand pages of solid matter? A. Yes, sir.

Q. He can go to Europe while he is doing that? A. He did go.

Mr. Corbin—A thousand pages for which translation was paid, and there is nothing done to it except the headings.

Q. (By Chairman Voorhees)—How is the translator paid, by the page? A. Yes, sir; he has a contract with the State.

Q. (By Chairman Voorhees)—Do you know who the translator was? A. Judge Hoffman, of Hoboken.

Q. I observe that the contracts given out for German printing are at very much higher rates than those for English; for example, I see that the composition of English is given out sometimes as low as 23 cents per thousand ems, and I observe the composition of German is sometimes as high as 81 cents; what is the reason for that great discrepancy? A. Well, there is competition between the English printers and very little between German printers.

Q. There is very little? A. Yes, sir.

Q. Why not? A. I don't know.

Q. There were only three or four of them in the State? A. About three.

Q. And they get together and arrange it so that one or the other gets it? A. I presume so.

Q. That is why the State pays three or four prices for that printing? A. Yes; I wouldn't say three or four prices.

Q. Well, two prices. A. The English is done too low.

Q. Do you think the German is done too high? A. Sometimes; the Heinz Company, I remember, did it for 35 cents.

Q. That was a fair price? A. They lost money.

Q. Are you sure about that? A. I am a little familiar with the German printers.

Q. Another time they did it for 81 cents? A. Yes; then they made something.

Q. I show you these two volumes of the report of 1893, Board of Education; what is the cost to the State of those volumes? A. I don't remember now; this bill hasn't come in for that.

Q. The smaller part, you say cost \$6,300? A. I believe so.

Q. For how many copies? A. 1,000.

Q. And the first part, with over a thousand pages, you say the bill hasn't yet come in? A. No, sir.

Q. About what will that cost? A. It is hard to tell.

Q. It will cost pretty near double, won't it? A. Very near; not quite.

Q. So that about \$18 a volume will pay for that report in German? A. Yes, sir; probably \$15.

Q. Your estimate the other day on the first volume was this 1,056 pages, of which 500 and over are tables? A. Yes, sir.

Q. There is as much table in it as there is in this? A. Yes, count the same amount.

Q. It will be perhaps a little short of \$12 a volume. A. Yes, sir.

Chairman Voorhees—Did I understand that they paid 83 cents a thousand ems simply for putting up English figures in a German book?

Mr. Corbin—It was the translation I had spoken of, but that is so, I guess.

Q. That is all charged as German printing, isn't it? A. Yes, sir; figures in German are the same as in English.

Mr. Corbin—If you call yourself an Englishman while you are setting the job, it is one price, and if you call yourself a Dutchman, it is another.

Q. (By Chairman Voorhees)—Don't you use the same font of type? A. The German compositor has to set the same number of ems as the English.

Q. (By Chairman Voorhees)—And the type for figures are quite similar to those for English? A. Yes, sir; but he has to set it all up; he does the same work.

Q. (By Chairman Voorhees)—Does identically the same work?

A. He gets more for it than the English printer does.

Q. The figures are exactly the same, whether in German or English. What is your observation in the thirty years' experience you have had here about these volumes published in foreign tongues; is there any demand for them, as a matter of fact? A. One wouldn't suppose so if they went down in the basement.

Q. As a matter of fact some of the editions stay here substantially unbroken, do they not? Q. Yes, sir.

Q. And they are not demanded by anybody? A. No, sir.

Q. I see there has been some printing here in the Italian language? A. That is all downstairs.

Q. None of that has been taken away, has it? A. No, sir.

Q. Do you know of any Italian who has ever asked for one copy? A. I never heard of one.

Q. Is there any other foreign tongue in which New Jersey has been printing these documents? A. Not to my knowledge.

Q. Did either of the houses, during the session of 1895, order any foreign printing? A. The House ordered 5,000 copies of Governor Werts' message printed in German.

Q. Where are those 5,000 copies of Governor Werts' message in German now? A. Down in the basement.

Q. Is the demand large for them? A. I guess not.

Q. They are all there? A. They are all there.

Q. How long have they been there? A. Ever since about the middle of the session.

Q. Sometime in February, probably? A. Yes, sir.

Q. I hope our newspaper friends will let the people know we have those for distribution. Now, I show you one of the smaller reports, that is not done by contract, being the report of the Commissioners to care for the Gettysburg battle monuments, 1892. Look at that. I happen to know something about that, because I wrote it myself, but I didn't know it was in print until yesterday; now, to give the Committee an idea, the cover is one page? A. Yes, sir.

Q. Is the inside of the cover another? A. Not in this case.

Q. The title page is a page? A. Yes, sir.

Q. Is that blank page a page? A. Yes, sir.

Q. (By Chairman Voorhees)—What is the use of their taking pay for what they don't do? A. The compositor has to make up that blank page; a blank form has to be put in and filled up with plugs.

Q. That is one of the rules of the printers that other fellows don't know until they find out; now there is a picture of Gen-

eral Torbet; is anything charged for the composition of that page? *A.* I should judge not.

Q. What is charged for the press work of that page? *A.* The number of copies?

Q. No, but do you charge for printing that page the same as you would another? *A.* Certainly.

Q. Is the press work on that page as much as it would be on a printed page? *A.* Yes, sir; except that is probably printed separate.

Q. It is charged at a higher rate? *A.* No, I think not; I think the press work is the same.

Q. How, then, is that page charged for? *A.* The same as the other matter.

Q. Any composition? *A.* No, sir; I think not.

Q. What do they charge for the plate? *A.* That is furnished.

Q. I understood you to say the other day that there was a rate for charging for that kind of work 16 times as much as a printed page? *A.* That is only one page.

Q. That is as much, then, as 16 of the others? *A.* Yes, sir.

Q. There is a letter transmitting the report? *A.* Yes, sir.

Q. That is what they call pretty "fat"? *A.* That is "fat."

Q. That one is blank; that is "fatter" yet? *A.* That is fat.

Q. That is so "fat" there is nothing but "fat"; now, this page is what you call double leaded? *A.* No, sir; only about four to pica leads.

Q. And this picture also 16 pages? *A.* Yes, sir.

Q. How about those backs of those pictures, do they count for pages? *A.* No, sir.

Q. This page that has a little story in the middle of it, is that a page? *A.* Yes, sir.

Q. That page is 16 pages more? *A.* Yes, sir.

Q. And that is a page? *A.* Yes, sir.

Q. And that is 16 pages, and this one, more? *A.* That has something on the back, that other one.

Q. And that is a page, with those four lines; *A.* Yes, sir.

Q. And that is another page, and that is 16 more? *A.* Yes, sir.

Q. And that is 16 more, and that is 16? *A.* Yes, sir.

Q. And that is a page? *A.* Yes, sir.

Q. And that is a page, and that is 16? *A.* Yes, sir.

Q. The price for printing the picture is 16 times as much as printing a page here? *A.* Yes, sir.

Q. These are each pages? *A.* Yes, sir.

Q. Who owns these plates? *A.* The State.

Q. And I see some of this plate work is used again and again by the State; where are these plates kept? *A.* The Comptroller has charge of them.

Q. These plates, I see, were plates which were made and first used by the State several years ago in another report? *A.* In the Gettysburg Commission.

Q. And the printer, then, gets them from the State and prints them in these volumes? *A.* Yes, sir.

Q. Who decides that that shall be done? *A.* The man furnishing the copy.

Q. And in that way they get up this nice little book at a cost of \$300 which was done on four sheets of typewriting paper? *A.* Yes, sir.

Q. Does that come in under contract work; the Comptroller does it, does he not? *A.* I don't know who ordered that, sir.

Q. But when the committee doesn't order it—when it is not done by contract—the Comptroller does it? *A.* Yes, sir.

Q. (By Chairman Voorhees)—When was that printed?

Mr. Corbin—In 1893. I take this book simply to illustrate, not that I am commenting on this particular job, but to illustrate the way printing is done when it is not under contract. Here is a report that I am informed by the Comptroller came in after the contracts were given out—after the committee had had its meeting and adjourned—and the Comptroller, in his discretion, prints. The report of the Board of Arbitration is now in the hands of the printers under a similar practice, and you observe what is possible in the way of extravagant printing.

Senator Ketcham—Is that being printed, the arbitration matter?

Mr. Corbin—Yes, sir; I meant to have referred to it this morning. This report is one given out by the Comptroller after the committee is gone. The price which governed this is not that contract price at all; it is a price which the printer sees fit to put upon the printing, and, as Mr. Bechtel says, it is not submitted to his supervision at all; it is another thing entirely. I am showing now the custom which prevails with regard to the printing. One of the Senators asked me awhile ago whether most of the printing was done by contract. All that is done by contract is in the schedule called "printing," but there is lots of this done that is not by contract. These plates, he says, belong to the State,

and some one has thought it would embellish this book to put them in. They have been taken from the State, and, I suppose, only the press work was charged for; I don't know about that.

Chairman Voorhees—Are they really necessary to illustrate that report?

Mr. Corbin—Personally I should say not. The main report of the Gettysburg Commission—it is quite a large document—was printed several years ago, and 4,000 copies of it published, and, I believe, all circulated, and that did contain pictures of these monuments as then erected. This is simply a supplemental report of another commission, appointed to take care of them and to make some little betterment on some of them possibly. The latter commission made a subsequent report, and some one has seen fit to insert these pictures, and print 4,000 copies more. I wasn't aware, although chairman of that commission, that it had been even printed; didn't suppose it was of enough importance to print.

I call your attention to a schedule I have prepared with regard to the expense of translating. The State paid for translating into German in the year 1888, \$2,841; in 1889, \$2,391; in 1890, \$2,743; in 1891, \$1,571; in 1892, \$2,085; in 1893, \$2,399, and in 1894 nothing was printed in German except the laws and the Governor's message, the Committee having dropped the other out.

Q. Is anything being done in Italian now? A. No, not that I know of.

Q. Or in French? A. No, sir; not that I know of.

Chairman Voorhees—What is the name of the interpreter?

Mr. Corbin—The interpreter into German was Judge Hoffman; now it is Stahl.

Senator Skirm—Was Judge Hoffman at the same time he translated these laws, judge?

Mr. Corbin—Yes, sir.

Senator Skirm—So that he drew two salaries at the same time?

Mr. Corbin—One at night and the other in the day, I suppose.

Senator Skirm—One salary in German and the other in English.

Mr. Corbin—I have prepared a schedule showing the printing which has been done in the last few years, which I would like to submit to the Committee, which must be added to the translation. In the year 1888 it was the reports of the Board of Agriculture, Education, Statistics of Labor, State Geologist, Board of Health, Inspectors of Factories and Workshops, and, of course, the laws and messages.

Senator Skirm—The translator comes from Hudson county, I believe.

Mr. Corbin—Yes, sir. He got \$2,200 or \$2,300 a year. In 1889 substantially the same are published in the German language, \$2,300 for translating; in 1890, about the same, and the translation of the year was \$2,743; in 1891 a few laws were translated and the translation dropped to \$1,571; in the year 1892, more printing done, and the translation was \$2,085; in the year 1893 about the same, the translation was \$2,399.

Senator Skirm—Then do I understand that the gentleman who translated these laws was at the same time judge of one of the courts in Hudson county?

Mr. Corbin—Yes, sir; Judge Hoffman was formerly the court interpreter in Hudson county, and I believe, a very competent one; he was afterwards elevated to the bench and became State interpreter as well, and he has been for a number of years a judge in Hudson county and the State interpreter.

Senator Skirm—Then he had a soft snap.

Mr. Corbin—He had good compensation; the State isn't mean about these matters at all.

To close this branch of inquiry I would state that the figures show that for the German, leaving out the Italian, the total cost of translating and printing in foreign languages is a matter running about \$20,000 a year, little less, for several years past up to 1894. Now it is largely reduced, so that you see it constitutes one quite serious item of the \$200,000, which we have been talking about—about one-tenth; when you add the Italian I should say it would be one-tenth of the whole thing, fully that.

While on this subject I will call attention to the report of the Board of Arbitration; it wasn't here the other day, but it is now. The report itself is the same that was shown to us the other day and called a "preface;"

that is all there is of it; following that is a statement of the different strikes, and the testimony taken throughout the two years by the Board, with reference to strikes; it is quite voluminous, and the printer had got as far as the 80th page, when the Chairman of this Committee, I believe, took away the copy, so that the printing could not at present proceed. This is not included in the contract for printing during the current year, and accordingly is simply sent to the printer by the Comptroller, but I understand the arrangement was made to print it at the current contract rate, which is rather exceptional in respect to this kind of printing. Now the newspaper clippings and accounts of the strikes are very considerable.

The account of these strikes, together with the newspaper clippings, is followed by a number of letters to the Board from distinguished citizens whose opinions were asked, glorifying the Board and the general system which they are exponents of, and those are all to be printed here for the benefit of the people of the State; there is a large part of them towards the end, and it is only fair to say that there are opinions here from some very distinguished citizens of New Jersey; we have got them on record, a good many of them, without reference to politics, race or previous condition. The blanks issued by the Board are here also, and the laws of New Jersey relative to the subject of arbitration; that would seem to be rather unnecessary, the reprinting of the laws here, as they are printed so freely by the State elsewhere. These are the opinions of the distinguished citizens, Lyman Abbott, William McAdoo, Erastus Cleveland, Thomas Dunn English, Thomas S. Henry, James Smith, Jr., Garret A. Hobart, Peter F. Wanser and others too numerous, though not too modest, to mention; and there is a very large matter of newspaper clipping which follows this report. I simply draw attention to this report—not to ridicule it at all, but that you may see what it is. The report itself is brief and well enough, but it is followed by a mass of material which you can get in the newspaper; that is about the amount of it. I have drawn attention to this report simply to direct the Committee's attention to the place where the abuse comes in.

Senator Ketcham—Don't it appear that during the pendency of this dynasty that the worst strikers in the State were the Board itself?

Mr. Corbin—That is a matter of judgment; I wouldn't like to express an opinion without further thought.

Senator Skirm—They seem to be great strikers for the treasury.

Mr. Corbin—The committee will doubtless want to report on this matter of printing. If these reports, properly so-called, and abbreviated, were printed and regulated in one volume as the law says, they would be of very great use and would be wanted by the people of the State, but the thing has come to such a pass that to put them together makes five huge volumes of rubbish that nobody will have them in the house because the houses in New Jersey are not large enough, and there is such a multiplication of useless matter that the really valuable material in them is difficult to be found. There are several valuable reports printed. This arbitration matter, with a properly drawn report, would be of interest to very many people in the State, and it does seem to me that with this illustration before the eyes of the Committee that they can draft a bill which will provide for a rule of printing and circulation of the reports properly, the reports on everything that you see fit to make, so that they will become much more valuable, and people will take them and read them, and they will be circulated and the State will be saved vast sums of money which appears to me to be wasted now.

Q. What do you think about it Mr. Bechtel, you have been 30 years at it, speaking as an individual and not as a printer? A. I am a printer.

Q. Laying aside your character as a printer, don't you think a good deal of money could be saved here and the reports made more useful? A. Undoubtedly there is a good deal of rubbish printed.

OTTO H. HEINZ, sworn.

Examined by MR. CORBIN.

Mr. Corbin—In connection with this subject of printing in German, I desire to call the attention of the Committee to a number of items of printing by Otto H. Heinz; the Heinz Printing Company, who succeeded, apparently, to his business, and the Heinz Litho

Printing Company, which succeeded again to that; printing done for the State, chiefly in the years 1891, 1892, 1893, and amounting to \$12,237.

Q. Mr. Heinz, you are the Otto H. Heinz who did some printing for the State? A. Yes, sir.

Q. And you reside in Newark? A. Yes, sir.

Q. Afterwards you formed a company to do your printing, did you not? A. Yes, sir.

Q. What was the name of the first one you formed? A. Heinz Printing Company.

Q. That was formed, if my notes are right, December 20th, 1890; isn't that right? A. I think so.

Q. Mr. Charles Trefz and yourself and Frederick W. Leonard formed that, did you not? A. Yes, sir.

Q. Afterwards you formed another company which succeeded that? A. Yes, sir.

Q. In February, 1893? A. The first went into liquidation.

Q. February, 1893, and Gottlieb Frank and Henry Campton formed another company?? A. Yes, sir.

Q. And that was known as the Heinz Litho Printing Company? A. Yes, sir.

Q. Your printing business, I suppose, went right on continuously, first in your own name, afterwards in the name of these corporations? A. No; it didn't.

Q. Didn't they take your business? A. No, sir.

Q. What became of your old business? A. The old business was taken in partly by the company and partly was sold to other parties, and between the Heinz Printing Company and the Heinz Litho-Printing Company there was a standstill of probably two or three months.

Q. Where was your business done when you were doing it in your own name in 1890? A. 363 Market street.

Q. Are you still there? A. No, sir.

Q. Was the Heinz Printing Company there? A. No, sir.

Q. Where did they go? A. 193 to 195 Halsey street.

Q. And are you still there? A. Yes, sir.

Q. You first printed for the State 3,000 copies of the Governor's message in the winter of 1890, and 1,000 copies of Governor Abbett's inaugural, did you not? A. Yes, sir.

Q. And rendered a bill of some \$343 to the State? A. Yes, sir.

Q. Is this your bill? A. It is.

Q. That work was ordered by members of the Assembly, was it not? A. I think it was by resolution of the House.

Q. And next, in the year 1890, you printed also by resolution of the House, 3,000 copies of Assembly bill 486 in German, the election law? A. Yes, sir.

Q. Was that bill for that? A. Yes, sir.

Q. That was done under resolution of the House, page 52 of the Minutes, by Mr. Marsh: "Resolved, that 3,000 copies of the Governor's message be printed in the German language by Charles H. Schmidt, of the 'Elizabeth Freie Press,' and 3,000 by Otto H. Heinz, of the 'Newark Volksblatt,' to be paid at the same rate as heretofore adopted." Did you have it translated?

A. Yes, sir.

Q. And did he have it translated? A. I don't know.

Q. You didn't furnish him any translation? No.

Q. Then he must have got it translated for himself? A. I suppose so.

Q. And you put in a bill for translation, of course, \$43.20?

A. Yes, sir.

Q. Who translated it for you? A. I couldn't say, but I think Mr. Busman, of one of the local papers there.

Q. And that election law cost \$248. And you acted also under this resolution of Mr. Trefz, page 180 of the Minutes: "Resolved, that 1,000 copies of the Governor's Inaugural message be printed in the German language by the following: 'New Jersey Deutscher Zeitung,' 'Elizabeth Freie Press' and Newark Volksblatt.'" The same resolution, page 391, was by Mr. Marsh amended so as to read "to be printed in each of the following; a thousand copies by each." You had that translated also? Yes, sir.

Q. And your friends who print the other two papers I suppose had theirs translated? A. I can't speak for them.

Q. You didn't translate for them? A. No, sir.

Q. (By Senator Skirm)—Nor they didn't furnish it to you? A. No, sir; my report was here, I know, ahead of time.

Q. The State was in funds at that time and paid promptly? A. They never let me wait any length of time except towards the last, when they were out of funds, as they said.

Q. Now, your company was organized December 1st, 1890; I show you a bill of August 31st, 1891, for printing the State Geological report in German \$1,477.05, do you remember that? A. Yes, sir.

Q. That seems to have been paid September 1st, 1891; you were the secretary of the Heinz Printing Company at that time, weren't you? A. Yes, sir.

Q. And that was paid to the Heinz Printing Company, who were then doing the printing business? A. Yes, sir.

Q. I asked you to bring the bank book and pass book and checks of the Heinz Printing Company; have you got them?
A. What date is that, please.

Q. September, 1891; find the check book? *A.* Here is September, 1891, but it is not—

Q. That covers up the dates on the stubs, does it not? *A.* It doesn't cover up anything to my knowledge.

Q. This stub book appears to have been used as a scrap book and you have posted pictures of people herein which cover up what was written upon the stubs? No, sir; not for that purpose.

Q. No, not for that purpose, but it has that effect. *A.* It looks so, yes, sir; it is easy to get at by taking them off.

Q. The book is now an illustrated volume? *A.* Yes, sir.

Q. Could you easily distinguish individuals whose portraits we see in this book? *A.* I couldn't tell you.

Q. What are these pictures; what is the purpose of keeping them in this form? *A.* This is the book of the foreman of the job room; he simply took the proof of all the plates in our possession and pasted them in here.

A. These are cuts, are they not? *A.* Yes, sir.

Q. And if you wish to order a plate to make a picture in your newspaper, you order by these cuts? *A.* Well, it is a reference to the foreman to know what cuts he has and where they are.

Q. So that if you desired to publish a picture of Senator Ketcham to-morrow morning, you would select here the one which looks most like him and cut it out, for instance this No. 535 would do for General Grubb, would it not? *A.* Probably it is.

Senator Skirm—This may be a laughable matter, but do I understand this has simply been used for this purpose and the stubs covered up? It seems to me there is no end to the expedients of the people who furnish the State; either men die or bookkeepers run away and they destroy their books; now this is the latest.

Q. When were these pictures pasted in this book over these checks? *A.* Probably two years ago; the gentleman that served me with the subpoena—I went to look up the books that I was called to bring, and he had a subpoena for Mr. Frank, and I told him he was out and would be in, and I showed him this book.

Q. Who did this? *A.* Our foreman, I suppose.

Q. What is his name? *A.* Geiger.

Q. Why did you allow him to do such an extraordinary thing as to cover up all these stubs in this way? *A.* The company was wound up and paid 100 cents on the dollar; there was no good to keep it any further.

Q. That was the old company? A. Yes, sir.

Q. What was the reason of dissolving the Heinz Printing Company and forming the Litho.-Heinz Printing Co.? A. Because Mr. Trefz retired from it.

Q. It was upon the occasion of his retirement? A. Yes, sir.

Q. You say this check book had these checks all returned—the paid checks all returned to it and pasted in as I see them in your present company's book? A. Yes, sir.

Q. And they have since been cut out and these pictures put in? A. Yes, sir.

Q. What has been done with the checks? A. I suppose they went in the waste basket or the junk shop.

Q. Were the checks thrown away? A. Yes, sir; and if that book was full we would probably take this.

Q. That check book which has pictures in comes up to March, 1891, and you say you suppose those pictures were put in two years ago? A. Well, starting from that time up to the present time.

Chairman Voorhees—It goes to November 16, 1891.

Q. Aren't those checks filed away in your office somewhere?

A. As I said before, because the company was out of existence.

Q. Aren't those checks in existence in your office somewhere?

A. No, sir.

Q. Have you the cash book here of the Heinz Printing Company? A. It don't seem to be here.

Q. Where is that? A. That must be in the office; he brought all he could carry.

Q. Those are the present company's books? A. Yes, sir.

Q. Do you use the same books? A. It seems they are carried on.

Q. This sales book which you have produced begins in November, 1891; that must have been the old company, wasn't it? A. Yes, sir.

Q. And you have continued to use it since the new company was formed? A. Yes, sir.

Q. And it is used up to date? A. Yes, sir.

Q. Now, where is your cash book? A. That is not here.

Q. Is it in your office? A. I suppose it is.

Q. And that was the same book of the old company continued on, was it? A. Well, that is what I can't say; it is much smaller, and it may be a new one.

Q. Can you bring us the cash books of the former and present company? A. I think so.

Q. And can you bring us the ledger and sales book of the former? A. You have the ledger and sales book.

Q. No, this is 1892, the same as your sales book; do you enter the State jobs in the sales book? A. I think so.

Q. Who keeps your books? A. Bookkeeper.

Q. Who is he? A. At present we have none.

Q. Who was your last bookkeeper? A. A man named Graps.

Q. When did he leave? A. He hasn't left yet.

Q. How long have you been without a bookkeeper? A. We haven't been without a bookkeeper yet; we will be from Monday on; I suppose we can get a new one.

Q. Does your treasurer, Mr. Frank, ever keep the books? A. No, sir; the same man that started the books is keeping it to-day.

Q. Under the old company as well as the new? A. Yes, sir.

Q. To refer back again to the bill I have in my hand, August 31st, 1891, to the Heinz Printing Company, Mr. Trefz was your president and treasurer at that time? A. Yes, sir.

Q. Was that Assemblyman Trefz? A. I think he had the position then; I don't know.

Q. The one who was at one time Assemblyman? A. Yes, sir.

Q. And you were secretary and superintendent? A. Yes, sir.

Q. What part did he take in the business? A. Well, he didn't take any active interest in it; simply signed checks—that is about all.

Q. Did he come to the office every day? A. No, sir.

Q. How often? A. About two or three times a week.

Q. Did you send the checks to him to be signed, or did he sign them in your office? A. He signed them in the office.

Q. Do checks have to be signed by him before they can be paid? A. Yes, sir.

Q. Have you a check book showing how checks were drawn at that time? A. (Witness produced book.)

Q. Was anybody else authorized to draw out money except Mr. Trefz, the treasurer? A. From the company; no, sir.

Q. Who had authority to endorse for the company? A. Well, myself and Mr. Trefz.

Q. Endorse notes? A. No, not notes, but checks for deposit or cashing.

Q. He was the financial man who drew out the money? A. Yes.

Q. But you or he could endorse for deposit? A. Or cashing.

Q. Was there any by-law to that effect? A. I suppose so; I don't know.

Q. Or cashing purposes? A. Well, I show you the check which paid this bill \$1,477, dated September 1st, 1891, to the Heinz Printing Company, endorsed Heinz Printing Company, Otto H. Heinz, Secretary? A. Yes, sir.

Q. And below that Charles C. Engle? A. Yes, sir.

Q. Who is Charles C. Engle? He is the keeper of a restaurant here in Trenton.

Q. After that check was endorsed by you and Mr. Engle it was cashed here at the counter of the Mechanic's Bank? A. So it appears.

Why didn't you turn it in to the company? A. I owed Mr. Engle some money.

Q. What business had you to use the money of this corporation to pay that? A. I was entitled to it.

Q. Did you enter this in the cash book of your company? A. Yes.

Q. That is the cash book that is home? A. Yes, sir.

Q. Will you bring that? A. Yes, sir; any time.

Q. Did you owe him just that amount? A. No, sir.

Q. Where did you give that to Engle? A. In his place.

Q. That is here? A. In Greene street, I believe.

Q. How much did you owe Engle? A. That is what I couldn't tell you, \$30 or \$40 or \$50.

Q. So, to pay him \$30 or \$40 or \$50 you turned over to him a check for \$1,477; did he give you the balance? A. Yes, sir.

Q. How did he give it to you? A. Maybe in money and maybe check.

Q. How was it? A. He went to the bank and got it cashed.

Q. You went to the bank? A. He did.

Q. Where were you while he went to the bank? A. At his place.

Q. How much did he hand you? A. That is what I can't say, I say between \$30 and \$40 I paid him; maybe a little more, I don't know; whatever I owed him.

Q. Here was a check for nearly \$1,500 from the State to this corporation of which you were secretary, and whose funds you had no power to draw, and you got that check cashed here in Trenton, and did not put it through the books of your corporation? A. I stated to you before I had power to cash checks.

Q. I have not said to the contrary, I said "you had not power to draw." A. I didn't draw it.

Q. But you took this check of nearly \$1,500, and, because you owed Engle \$30, you got it cashed here in Trenton? A. Yes, sir.

Q. What did you do with the rest of the money? A. I suppose it was deposited.

Q. Do you remember anything about it? A. I do not, I had a good many checks.

Q. If you don't remember you needn't look at the books, because I want your memory about it; that left you about \$1,430 in your pocket? A. Yes, sir.

Q. In money? A. Yes, sir.

Q. He didn't give you his check? A. I don't think he did; I think he gave me cash money.

Q. What did you do with the cash money? A. I took it down to Newark and deposited it.

. Sure you didn't leave some in Trenton? A. No, except what I paid him.

Q. Not a cent more? A. Unless I took a drink some other place.

Q. What did you get that check cashed for here? A. As I told you, to pay that man.

Q. Didn't Mr. Trefz object to that performance? A. No, sir.

Q. Did you tell him of it? A. Yes, sir.

Q. After you had been down to Engle's saloon and paid him \$30 and put \$1,400 in your pocket, how soon did you go home? A. I took the next train.

Q. The same day? A. Yes, sir.

Q. What time of day was it? A. Generally in the afternoon.

Q. No, but this time? A. I don't understand.

Q. You say you remember going down there and getting this check cashed? A. Yes, sir.

Q. And paying him \$30 or \$40 you owed him and taking the rest to Newark? A. Yes, sir.

Q. What time of day was it? A. In the afternoon.

Q. And you went right home? A. Yes, sir.

Q. Who was along with you besides Engle? A. He didn't go home with me; I went alone.

Q. No, but when you went down to Engle's place, who was with you? A. I don't know who they were.

Q. Did you go up to the bank with him to get the money? A. I don't think I did.

Q. Did anybody go down to Engle's place with you from the house here? A. No, sir.

Q. Who handed you the State's draft for the money? A. Either Mr. Heppenheimer or Mr. Gray, either in the Comptroller's office, or—

Q. Did you endorse it here or down there? A. Down there.

Q. And handed it to Engle? A. Yes, sir.

Q. Did you go up to the bank with him or stay in the saloon?

A. I stayed in the saloon.

Q. I would like to have you bring the cash book for that date.

A. Yes, sir.

Q. And the journal and ledger, if you have one? A. You have the ledger here, I think.

Q. Well, let's see your ledger; is there an account here with the State? A. I think there is.

Q. Under what name? A. State of New Jersey.

Q. The first credit in this book is November 25, 1891; that is too late for my purposes; you must have a ledger before this, haven't you? A. I don't know when this was started.

Q. I show you a bill of November 17, 1891, for printing a thousand copies of the Agricultural report in German, \$1,451.10; that is from your company also? A. Yes, sir.

Q. Well, that one you deposited in your bank, didn't you?

A. Yes, sir.

Q. That is the way you generally do business? A. Well, I think I had two or three checks cashed here.

Q. Your next bill was in May, 1892, for printing a thousand copies of the report of the Inspector of Factories and Workshops, \$499.18; that you endorsed and deposited in your bank, didn't you? A. Yes, sir.

Q. And your bookkeeper, Graps, endorsed that for deposit?

A. Yes, sir.

Q. You have a stamp in your corporation such as is shown on the back of this check? A. Yes, sir.

Q. "For deposit in the State Banking Company to the credit of The Heinz Printing Company, per —," and then you or the bookkeeper or anybody about the office puts his name there and deposits it? A. Yes, sir.

Q. That is the ordinary way that business houses do business?

A. Yes, sir.

Q. And you had orderly, good methods in your office, hadn't you; I see your books are in fine shape. What in the world did you cash a check in Trenton of \$1,400 for? A. I cashed some of these and went directly to Philadelphia or New York.

Q. I see you did, but why did you do it? A. I was in need of money.

Q. Why didn't you draw a check on the bank and get it? A. Check from here?

Q. Yes? A. I couldn't draw a check from here on a Newark bank.

Q. Did you ever try? A. No, sir.

Q. I have drawn them a thousand miles from home? A. I didn't.

Q. Your next bill was in July, 1892, \$917.70, for printing a thousand copies of the report of the State Board of Health; I show you a check for that; you endorsed that "The Heinz Printing Company, by Otto H. Heinz, Secretary," and took it down to Engle's saloon, didn't you? A. Yes, sir.

Q. Did you get the money on that? A. Yes, sir.

Q. Where did Engle get the money? A. In his bank.

Q. Where were you when he went up to the bank? A. Down in his place.

Q. You didn't go up to the bank with him? A. No, sir.

Q. Same thing over again? A. Yes, sir.

Q. What use did you have for \$917 that day? A. Well, probably there was a bill payable in New York.

Q. Probably a thousand things might have happened, but I want to know what you got that money for? A. To have the cash.

Q. What did you want that \$917 for in Trenton? A. I went right home; I didn't stay here.

Q. What did you want it for, more reason you should have taken the check home? A. I more than likely went to New York to purchase something.

Q. When bills of this kind were paid you always came to Trenton to get the money, didn't you? A. Yes, sir.

Q. You took the check home with you or else the money? A. Yes, sir.

Q. Why did you go down to that saloon and get 900 and odd dollars in money instead of taking it right home in your pocket when you say yourself that you went right home? A. I probably went to New York; you see I could use the money, I couldn't use any checks.

Q. You went through Newark to get to New York? A. Yes, sir; when I passed Newark the banks would be closed.

Q. You left Newark in the morning, didn't you, to come down here to Trenton? A. Yes, sir.

Q. To get this money? A. Yes, sir.

Q. And knowing that you were going to New York? A. Yes, sir.

Q. If you wanted a little money in New York why didn't you get it in Newark before you started? A. Probably didn't have it.

Q. What business had you to take the Heinz Printing Company money for that purpose from Engle? A. I think I had just as much right to take it from him as anybody else, when he is a merchant.

Q. Yes, but here you took these checks to him on this first occasion, and on this occasion I want to know what you wanted that money for? A. As I told you, to buy something.

Q. You went to New York that day; who did you meet when you got there? A. I don't know who I met, but I may have met—

Q. Your memory is all right and quite sharp on the time of day you got this money and until you got down to Engle's and got the money and put it in your pocket. I want to know what you did with that money. Did you meet somebody in New York? A. No, sir.

Q. How much of that \$900 did you have when you got home? A. I had most all of it, I suppose.

Q. Most; do you remember; do you remember what the occasion was for your having \$917 for going to New York? A. One occasion I was to buy some lithographic stone over there that was for sale at a lithographic house that had gone under.

Q. Does your corporation, in buying such things, pay cash? A. Such sales is made for cash.

Q. Isn't a check cash? This is kept with the greatest care. Look at your book here; why, when you came to Trenton to get a thousand dollars or two, did you have to have it in bills? That was not to pay for lithographic stone, your memory is playing you false in that respect? A. No, sir; not at all.

Q. Did you meet anybody from New Jersey after you got over there? A. No, sir.

Q. Did not? A. No, sir.

Q. Clear about that? A. Clear about that.

Q. Who did you meet? A. Nobody that I know.

Q. Might he not have been some Jerseyman, then? A. I didn't pay particular attention.

Q. On the first occasion when you drew \$1,477 down at the saloon, did you go to New York? A. I may have gone to New York or I may have gone straight home.

Q. Do you remember which? A. I think I went straight home.

Q. But at the time when you got the \$917 you remember that you went to New York? A. I think I went to New York.

Q. When you got to New York, where did you go? A. To a paper warehouse or lithographic auction.

Q. You went to one of those two places? A. Yes, sir.

Q. Did you pay any of the money out? A. Small sums; I didn't buy much.

Q. About how much did you buy? A. Well, in the neighborhood of \$60 or \$70.

Q. Yet you loaded up with nearly a thousand dollars cash? A. I was loaded up with more than that.

Q. If you were loaded up with more than that what was the occasion of loading up with this additional thousand? A. Not on that occasion.

Q. Now on that occasion how much were you loaded up with? A. What I received from the State.

Q. You had some in your pocket before you started? A. Not much, \$10.

Q. Do you mean to tell us soberly that you had that \$900 check cashed for the purpose of having money in your pocket to pay \$60 in New York? A. I didn't know what amount I would buy.

Q. Well, you had it most all yet when you got home. After you got home what did you do with the rest of it that was left? A. It was deposited.

Q. I guess not, if this book is your pass book; you made no deposit here between July 27 and October 4? A. Well then, the money was all paid out.

Q. Well now, was it \$60 you paid out for these lithograph stones or was it the whole \$917? A. I couldn't say anything at all about it; if it shows no deposit there, that money was used for purchasing things that we were in need of; probably paying a note that was due.

Q. Paying a note that was due and purchasing things and paying money out of your pocket? A. Yes, sir.

Q. What was the object, then, of drawing this multitude of checks here that are preserved with such care; turn to that same date, about the 9th of August, 1892; have you got another check book here? A. That is early, I think, 1891.

Q. Neither one of these covers that period; they are both prior, but you seem to have drawn a great many checks, Mr. Heinz? A. Yes, sir.

Q. A multitude of checks; many in one day; all of which are preserved; why doesn't this money, \$917, from the State, appear on the deposits of your deposit book, or in these books? A. I don't know.

Q. (By Senator Skirm)—There must be a reason; you made

your deposits regularly, did you not, of the money that you received? A. Well, I turned it over to the bookkeeper.

Q. (By Senator Skirm)—Yes, but this is your bookkeeper; either your bookkeeper, partner or secretary; don't they deposit the money that you receive? A. They should have.

Q. (By Senator Skirm)—No, I asked you the question whether they don't. A. I don't know; the books show they didn't.

Senator Skirm—Your memory seems to be good on other points.

Q. You say if it doesn't appear deposited here, then you must have spent it all over in New York? A. Paid it out; I didn't spend it.

Q. Do you think, then, instead of spending \$60, as you first stated, you might have spent a good deal more? A. Yes, sir; probably the books show what was done with that.

Q. What would you suggest that I look at here to find out? A. Some item around that date; here is the \$917 credited.

Q. Yes, but I don't see it in your cash; it isn't in your cash, as far as you have produced any yet. A. Probably Mr. Trefz took the money.

Q. No; was Trefz down here at Engle's with you? A. No, sir.

Q. Well, you got the money from Engle? A. Yes, sir.

Q. And you are sure you went to New York that day? A. I did.

Q. And you spent there \$60 or \$900, you can't remember which, at the lithographers? A. Yes, sir.

Q. Why do you say then that Trefz got it? A. When I come home in the evening, then the office was closed, and probably in the morning he took it and deposited it in his own account; it must be in his account; it may be in his account; probably he made a loan in advance.

Q. These books that you have produced, appear to be in perfect order; your check book is kept in the finest order; everything here, even small bills paid by checks; everything in perfect shape; do you mean to suggest seriously to us, with regard to the State House moneys, that you did such unbusiness like things as that—that you got the money out of this saloon and went to New York and spent either \$60 or \$900, and handed the rest to another officer of the company? A. Let me see that.

Q. Don't you think it unlikely that you were so unbusiness-like with regard to this State money when you were so methodical with everything else? A. The cash book must show; I don't know. You may have it to-morrow morning; I am sorry it didn't come up along.

Q. That is the bill (showing witness bill). What have you to say, after looking at it? A. I can't get anything out of it—where it went.

Q. (By Senator Skirm)—Is it likely that you should receive that much money without knowing what you did with it? A. Well, the cash book will have to tell.

Q. (By Senator Skirm)—But your memory seems to be so very plain and explicit about getting money and paying Mr. Egle \$30 or \$40; don't you know what you did with the money that doesn't appear on your books? A. It isn't stated here; it doesn't appear on our books.

Q. That bill is 35 cents a thousand ems? A. Yes, the one we lost money on.

Q. I show you your bill of \$185.46 for printing the State Board of Taxation report in German; this is March, 1892; look at that, that is a little one. A. Yes, sir, 35 cents; it is all entered here in the book.

Q. Now, that check, you came down and got that check, too? A. Yes, sir.

Q. That you deposited in the bank all right? A. Yes, sir.

Q. Gave it to the bookkeeper and he put his name on the back? A. Yes, sir.

Q. Now I show you one dated February 28th, 1893, for \$2,750 which was paid to you by virtue of an act of the Legislature; you remember that? A. I don't know.

Mr. Corbin—I will state to the Committee that in the session of 1892 a resolution was passed by the House of Assembly awarding to this printing company the printing of a number of documents, involving quite a large sum of money—I think, probably, \$8,000 to \$12,000, if that had all been printed. The next year, in 1893, the bill came in for the work, but in the meantime, I believe, the Comptroller had stopped the work; only part of it was done, and a bill was introduced in the House of Assembly for the relief of the Heinz Printing Company, reciting that they had, under that House resolution, which was probably not a sufficient warrant in law for the printing, had gone on in good faith and done some printing and had delivered some agricultural reports, and had spent at least \$4,000 in money in the prosecution of their work, and awarded them \$4,000 to be paid by the Comptroller in settlement of the whole thing. In the Senate that bill was amended, cutting the amount down to \$2,750; the bill was passed and

approved by the Governor February 28th, 1893. On the same day, Mr. Heinz presented a copy of the bill to the Comptroller, together with a certificate from Mr. B. J. Ford that a thousand copies of the Board of Agricultural report had been received and an affidavit by Mr. Heinz that he had spent on this work at least \$4,000; and then a bill made out by the Comptroller, I think, and sworn to by Mr. Heinz, and on that the Comptroller gave him his warrant and he got the check that day.

Q. You were here that day, of course, when that bill was passed? A. Yes, sir.

Q. Who was here with you? A. Mr. McDermitt, I believe.

Q. Here is the check that the State gave you; that is your writing on the back of it, your signature? A. That is my signature, it isn't my writing.

Q. Pay to the order of Frank M. McDermitt, Heinz Printing Company, Otto H. Heinz, Secretary, "Frank M. McDermitt" over State Banking Company; Mr. McDermitt was here with you, you say? A. Yes, sir.

Q. Getting the bill through? A. Yes, sir.

Q. And you immediately endorsed the check and handed it over to Mr. McDermitt? A. No, sir.

Q. When did you hand it over to him? A. I never saw the check until the next day.

Q. Did he get it and bring it to you? A. He didn't bring it to me, no, sir; I saw him at his office.

Q. He had the check in his possession? A. Yes, sir.

Q. He wrote the endorsement and you signed it? A. Yes, sir.

Q. Well, that belonged to the Heinz Printing Company? A. Yes, sir.

Q. Why didn't you deposit that in the bank? A. I didn't have possession of it.

Q. You didn't get possession of it, then? A. No, sir.

Q. Do you mean to say that Mr. McDermitt declined to give you possession of it? A. Well, he didn't say that in so many words.

Q. He looked that, did he? A. I only saw the back of the check, anyhow.

Q. McDermitt wrote the sentence here? A. I suppose so.

Q. And he hung onto this corner and you signed it, is that it? A. That is about the size of it.

Q. Why should he want a check for \$2,750? A. He said he was going to get it cashed and take his fee out of it.

Q. Fee for getting the bill through? A. Counsel fee.

Q. How long did it take him to get the bill through? A. Well, I don't know when he introduced it.

Q. Maybe I can refresh your memory on that? A. Early in the session, I think, he claimed to have been down here.

Q. (By Senator Skirm)—Do I understand that McDermitt got the check for the full amount for his services?

Mr. Corbin—He had hold of one corner, the evidence is, and Mr. Heinz wrote on it.

Witness—He wouldn't let go.

Q. McDermitt had hold of the strong corner of the check, and he wouldn't let go, and it didn't get to Heinz. Mr. McDermitt will explain it, I have no doubt. Did he take his fee out? A. Yes, sir.

Q. Did he give you the rest? A. He did.

Q. In cash, as usual? A. In cash.

Q. I don't suppose you have any memory on the subject as to how much you got out of it? A. It was very little; I know that.

Q. Did you get as much as the odd \$750? A. It may be possible.

Q. Do you remember? A. I think so.

Q. You think you got \$750? A. Yes, sir.

Q. What did he give you out of it? A. Well, I am not certain.

Q. Well, give us your memory? A. I don't know whether I have the receipt or not, to that effect.

Q. Have you got the receipt here?

Mr. McDermitt—I think he got \$600 or \$700.

Q. I see you credited the State here with \$655; did you get out of your credit to the State of New Jersey with that? A. Yes; that is it.

Q. Then Mr. McDermitt got the \$2,045 and you got the \$655? A. Whatever it was.

Senator Skirm—Do I understand that for a bill the State paid of \$2,750 that this gentleman got only \$655 of it and the balance went to lawyers and the gentlemen who got the bill through the Legislature? Do I understand that?

Mr. Corbin—You understand that Mr. McDermitt is a counselor-at-law and had a bill against this corporation; he naturally and properly, after he had gotten the bill through, got the check through, but the check didn't get through his hands; they were in liquidation, and

their relations with Mr. McDermitt were such as he will explain, and he deducted whatever he did deduct.

Witness—Whatever he thought was right.

Mr. Corbin—And which I do not say was not right.

The company got \$655.

Mr. McDermitt—I think they were in luck.

Q. Now, I show you another bill for \$1,240, for which you got a check on March 28, 1893; that is the bill, isn't it? A. Yes, sir.

Q. You recognize your handwriting on the back? A. Yes, sir.

Q. "Heinz Printing Company, Otto H. Heinz, Secretary; Heinz Litho Printing Company, Otto H. Heinz, President; Gottlieb Frank, Treasurer, for collection account of Essex County National Bank, Newark, T. W. Crooks, cashier." That you deposited, didn't you? A. I don't know.

Q. Look and see if you can tell what became of that; that you deposited in the account of the new company? A. Yes.

Q. Did the assets of the old company go over to the new? A. Yes, sir.

Q. And this bill of the old company was assigned to the new? A. I suppose the majority of the work was done by the new company—probably all.

Q. I show you your bill for \$2,768.08, September, 1893, for printing report of Board of Education? A. Yes, sir.

Q. You got paid for that? A. Yes, sir; there is the item in the ledger.

Q. Well, that one you endorsed with the name of both companies, did you not? A. Yes, sir.

Q. And put it through your bank? A. Yes, sir; I wanted to cash that right here in Trenton, and I couldn't get it.

Q. What did you want money in Trenton for? A. I wanted the money, and there was no money in Newark.

Q. You could get credit? A. No, sir; not even credit; there was more money in Trenton.

A. You mean to tell me that in September, 1893, the State's check was not good? A. Yes; but I couldn't cash the State's check anywhere.

Q. You didn't cash it here? A. No; I wanted to, but I took it home.

Q. I want to ask you a few more questions, but I would like to have your books before I do it; can't you undertake to bring here the next day we meet, Tuesday, or whatever day it will be, the cash books running through these years, 1891 to 1894; I see you have what you call a sales book; I would like to look these

over a little, and then your previous ledger and your journal.

A. If we have any.

Q. Is the bookkeeper down here? A. No, he isn't now.

Q. Where does he live? A. In Newark.

Q. What is his number? A. Lives on Fairmount avenue.

Mr. McDermitt—I will have him here.

Q. We want the cash book, covering from 1891 to 1894; the check books and checks that you have not brought? A. They are there.

Q. No, that is not all; they don't go back far enough? A. This goes back to November, 1890.

Q. I want the cash books and your earlier ledger, and if you can send them to me by express, so that we can have a little opportunity to examine them, you may not have to remain here long the next time you come.

Chairman Voorhees—In fairness to the witness, in order that there may be no misunderstanding of his testimony, you remember there was a time during a stringency of the money market, and I understand from Mr. Heinz that there was at that time, or about that time, that he had this check, considerable difficulty in getting checks cashed that were drawn on banks out of the city where the holder did business.

Mr. Corbin—It was at a different period that he did get it.

Q. You referred in your testimony to the fact that one of these jobs was done at thirty-five cents? A. And another forty.

Q. And another one eighty-one? A. Very small one.

Q. How did you get such high prices as eighty-one cents? A. I don't know; I think whatever that book was it was worth it; I don't think there was a table in it.

Q. If there is a table you get an extra rate for the table? A. That is true, that is the reason a table job is done cheaper than plain matter.

Q. Isn't it a fact that in those days there was a kind of an understanding among the Geaman printers, and one took one job and one another, and you could get what price you agreed on? A. I don't know about that; whatever work I got myself I never had any combination with anybody.

Q. But you got that contract at eighty-one cents by bidding for it? A. It wasn't signed by me.

Q. (By Senator Ketcham)—Did you put in bids for all this work you got? A. Whatever we did; yes, sir.

Q. (By Senator Ketcham)—You were the lowest bidder? *A.* Otherwise we wouldn't have got it.

Q. This that was printed by resolution of the House?

Mr. McDermitt—The firm lost \$2,500 on that.

Mr. Corbin—I call the attention of the Committee to the bid which was put in in 1889; Mr. Kuser bid for this composition 85 cents; Mr. Heinz bid 81, and he got it. Now, take some of the later years, when there was competition—take 1891; the "New Jersey Deutsche Zeitung" bid 65 cents, and that year Kuser bid 48; there was bidding there, but one of them had got onto the fact there was going to be bidding this time and the other hadn't, I guess. Another, C. S. Robson, of Princeton, 48 cents; but Mr. Heinz underbid them all and got it. Now take it in 1892; here are three unsuccessful bids—Kuser, 44 cents; Schmidt, of Elizabeth, 64—he hadn't yet got on; "New Jersey Deutsche Zeitung," 55 cents; this gentleman, away below them all—35 cents—and got it.

Q. (By Chairman Voorhees)—May I ask you, judging from the present rates of composition, in your judgment is the charge of 83 cents a reasonable charge or pretty profitable? *A.* It depends on what matter it is; if it is solid matter I think 80 cents would be about a right charge, but books like these, gotten up like this, it is an outrage to charge that price.

Q. That book cost \$6,300 for one thousand copies? *A.* That is impossible.

Q. It is paid for. *A.* 526 pages; there isn't over 12,000 on a page.

Q. Well, it is paid for. *A.* It ought not to cost more than \$3,000, not the composition.

Q. The whole thing? *A.* The paper and press work don't amount to anything.

Q. You say on solid matter you don't think 80 cents is too much. What do you have to pay compositors? *A.* 40 cents.

Q. In other words, you have a hundred per cent. profit, then? *A.* No, sir; you have proof reading, and the foreman makes up the forms, and it costs the firm about 53 cents.

Q. Then you have the press work? *A.* There is very little profit on press work; but I think, on straight matter, 80 cents a thousand ems would be about 35 to 40 per cent., while on tabular work at that rate there must be millions.

Q. Is German printing more expensive than English? *A.*

English printing is more expensive in any city outside of Trenton : they pay 40 cents for the English in Newark.

Q. What are the rates there for compositors? A. 40 cents.

Q. 40 cents for English ; how much for German? A. 40 cents in Newark ; here they do work for 20 cents, I understand.

Q. What would 100 pages of English matter make when translated into German? A. About one-third more.

Q. Same sized type? A. Yes, sir ; I don't see how they could stretch it. Here I see there is quad lines right in between.

FRANK M. McDERMITT called but not sworn.

Examined by Mr. CORBIN.

Q. You acted as counsel for the Heinz Printing Company in securing the passage of the bill which Mr. Heinz has referred to? A. I acted also in the capacity of liquidating the company for several months.

Q. Did you get the bill through? A. Yes, sir.

Q. Was it a pretty hard job? A. I should say it was.

Q. How long did it take? A. I think two or three weeks.

Q. Where did you find the most resistance, in the House or in the Senate? A. Well, now, you are an old member of the House, you ought to know how the House stands on those questions.

Q. This was long before my time. A. I did n't find really any resistance outside of Comptroller Heppenheimer.

Q. The bill was introduced on the 13th and finally became a law on the 27th ; was there any objection to it in either House? A. No ; there was objections raised in the Senate ; somebody said the amount was too high.

Q. Who said that? A. I think Mr. Adrain.

Q. And the committee reported it cut down from \$4,000 to \$2,750? A. From \$4,500 I think.

Q. It passed the House at \$4,000? A. It may have been \$4,000.

Q. You were here when the bill passed? A. Yes, sir ; I kept my eye on it all the time.

Q. Did the Governor make any objection? A. No ; we influenced him through all right.

Q. Who helped influence? A. No one was necessary ; I am a good talker.

Q. Did Mr. Heinz come with you? A. I think not.

Q. Did you appear before a committee of the House? A. We did.

Q. How long did it take them to report it? A. Not very long.

Q. The same day they got it? A. I don't know.

Q. Did Senator Barrett's committee hold it very long? A. Oh, not very; I got after him and made him come to the centre.

Q. But he cut \$1,250 off? A. Yes; it was an outrage, too.

Q. What did he do it for? A. I suppose he thought perhaps it was some sort of steal.

Q. Why should he act on such an impression as that? A. I don't know, sir.

Q. How unjust to suggest it. A. I suggest it, because I think he made that statement, sir.

Q. Do you know what he had to go on? A. No, sir; Heppenheimer's word, I suppose.

Q. Why was the Comptroller opposed to it? A. Well, because he was running the State House, I suppose, and he didn't want the Heinz Printing Company to have any printing; I suppose he thought I was a member of the printing company.

Q. Did the Heinz Printing Company run with the same machine he did? A. I guess not; the Heinz machine is a straight machine.

Q. Well, wasn't Barrett running with the same machine as Heinz at that time? A. No, sir; Mr. Barrett was afterwards the counsel for the Litho-Printing Company—they were organized after this bill had passed through.

Q. Quite soon after, wasn't it—that same spring? A. Well, it might have been actually organized before that, but the money went to the old corporation.

Q. But after this bill got through, the new company was managed by Senator Barrett? A. Yes, sir; he had nothing to do with the bill; no one had charge of the affairs of the old company except myself.

Q. I see he reported the bill? A. Yes, sir.

Q. Who asked him to take \$1,250 off of it? A. Well, I certainly did not.

Q. Did the Comptroller? A. I presume so.

Q. Did the other members of the Committee seem specially opposed to it in the Senate? A. I told them I was interested in that bill, and that the bill was right.

Q. Did you tell them the extent to which you were interested? A. I was interested to a very large extent in the bill.

Q. Was anybody else interested in it? A. Not that I was aware of.

Q. Any bad features in the bill that you know of? A. None that we used to have in days gone by, that parties used to talk about.

Q. So that it went through in about ten days? A. Whatever the record shows.

Q. Where was this little that Mr. Heinz has mentioned, where you endorsed the check and he signed it? A. I think after I got possession of that check—the bill passed about three o'clock in the afternoon, and I think that I had that check before half-past four of the same day. You know I was liquidating the affairs of the old company; they owed me quite some money for cash advanced to fix up the pay rolls and so forth.

Q. You got it about half-past four that afternoon? A. And I took it to Newark with me and sent for Heinz and had him endorse it, and I took it downstairs to the bank and got the good money for it, because I recognize that a check is not as good as money.

Q. You didn't give him a check, you gave him the cash? A. Yes, sir; cash.

Q. You wanted currency? A. Not necessarily, but I always carry a good deal of currency.

Q. Was there any particular stringency? A. Not with me, there never is.

Q. I see this was the 28th of February; the Legislature was still in session? A. That was my final act for the year down here.

Q. Didn't you come down the next day? A. I think not.

Q. How soon did the members go back to Newark? A. I couldn't say, sir; I lost all interest in them after I got through with the bill.

Q. What was the occasion for so much currency in connection with this little printing job? A. In what respect?

Q. You say you went down and got \$2,700 in currency? A. Yes, sir.

Q. Why didn't you deposit it in your bank and draw out \$50 for your family expenses? A. I suppose there is in the neighborhood of \$25,000 to \$30,000 a year that is paid to me, and I simply just walk down to the State Banking Company and get the money for it; my endorsement is good.

Q. That is considered the better method of handling certain kinds of funds? A. It is the safest and best for a lawyer to adopt when he is dealing with certain people.

Q. What is the advantage of that method, having so much currency; why is it safer? A. I don't know of any special reason why it is safer.

Q. I understood you to say it was safer? A. I regard it a safe thing to do; greenbacks beats a check any time.

Q. And yet under the present administration New Jersey's paper is about as good as the government? A. I haven't been looking that up.

Q. You don't know about the period of that particular check? A. No, sir.

Q. What was the occasion for so much currency and paper? A. I drew the cash out of the bank.

Q. You didn't foresee the commercial panic that was coming on in May? A. No, I never see any panic.

Q. How long did you carry the two thousand dollars in your pocket? A. I can't tell how long I carried it.

Q. How long should you judge? A. I might have had some creditors; I couldn't say.

Q. Finally got rid of it all? A. Not necessarily; I think not.

Q. You have got some of it yet? A. I have got all of it yet.

Q. Deposit it in a bank? A. No; I did not. I don't know that I have got that amount with me to-day.

A. But, after paying this \$655, and I understand that was in cash, that left you two thousand dollars strong yet, didn't it? A. Yes, sir; I think so.

Q. Do you have any memory about what you did with that? A. Well, I know that I didn't utilize it for any wrong purpose.

Q. I wouldn't insinuate such a thing as that. A. No; I know you wouldn't; I know that in 1887 you were a very clever gentleman, and you don't seem to have lost any of your brightness since.

Q. So you don't remember what you did with the money? A. No; and I don't think you can establish it by innuendo, either; I invested it for my own benefit.

Q. Where did you invest it? A. I don't know that I put it out specially.

Q. Did you render a bill to this company? A. I must have rendered a bill of some kind.

Q. For the amount which you took out of that \$2,750? A. I think I gave them a receipt for it.

Q. What was it for? A. Disbursements and services as counsel.

Q. In what connection? A. I was at one time either the acting manager and counsel or proprietor of the paper called the "Sunday Standard," and they printed the paper, together with job printing, and all that kind of business.

Q. Did you have an open account with these people? A. No.

Q. How did you get at the amount of \$2,045? A. I think there was a good deal of cash advanced.

Q. You judge that would be about the amount to take? A. No.

Q. Did you have a book? A. No.

Q. Did you render them a detailed bill? A. No; I think it was general.

Q. You think you gave a receipt for that amount of money?

A. I am sure I gave a receipt; no reason to hesitate to give a receipt; I certainly have got the money.

Q. And so, without giving the company any detailed bill, or without having any detailed charges upon your books, you took \$2,045, and gave them a receipt? A. I have never kept any books in my law office; it is strictly a cash business.

Q. But you didn't render them any detailed bill, nor did you have a detailed account against them? A. Yes, but it was made up of items of money advanced by me to them.

Q. That was a small part? A. No; probably a large part; I think probably a thousand dollars was in cash advanced in the concern at the time they were really in stringency.

Q. This \$2,000 closed the matters which you had between you?

A. That paid me not only the money advanced, but services in winding their concern up, and for services I rendered in the passage of this bill; I made no disbursements except what were right.

Q. You used the word yourself; I didn't characterize the disbursements. Didn't they make any question about the size of that bill? A. I think not.

Q. Did you see Mr. Heinz about the bill? A. He was a client of mine, and whatever counsel had in that was right; they had the utmost confidence in me, like everybody else that knows me.

Q. (By Senator Skirm)—And if you had taken the whole of that check— A. I think they would have been satisfied.

Q. (By Senator Skirm)—I only wonder why you gave them so much. A. I think it was a mistake; they would have been just as well off without it; it was the last chance there was to collect my money.

Q. It was really throwing money away to give it to a dead concern like that? A. No, there were other good people—

Q. To whom did you give the \$655 in bills? A. I think it was Mr. Heinz.

Q. (By Chairman Voorhees)—It wasn't due to the fact that you were their counsel that their early demise is explainable?

A. No, I think not; my clients usually live on afterwards; when they can't endorse for me any longer I endorse for them—sort of reciprocal; it is always right, you know.

Q. I asked you to bring your check book and checks, but I suppose from what you have said that they will show nothing in regard to this matter? A. No, I can show you how my business runs; they balanced the books, and I think they got \$272,000 to my credit; but they may not have taken off the other side yet; I don't know.

Q. I don't think I would speak of that until after the income tax returns are made. A. I have already sent the report in, and yet I am not under oath.

Q. I will trust you to tell the truth. Your books then won't show any deposit of this check? A. No, sir, show no record of it whatever. The State Banking Company is directly under my law office, and I went down the next morning and drew out the money and gave Mr. Heinz what justly belonged to him, and what belonged justly to Mr. McDermitt I put in my pocket. If there are any more checks to be cashed at the same rate please send for me.

Adjourned until Tuesday, April 16th, 1895, at ten o'clock, A. M.

APRIL 16th, 1895, 10 A. M.

OTTO H. HEINZ, recalled.

Examined by MR. CORBIN.

Q. Did you publish a German newspaper? A. Some years ago; yes, sir.

Q. In connection with your printing office? A. Yes, sir.

Q. What paper was that? A. "The New Jersey Volksblatt."

Q. When did you cease to publish that? A. Some time in 1891.

Q. Where has your office been these past three or four years; on what street? A. 193 Halsey street.

Q. Was there any other printing office adjacent to yours, or near you there? A. "The Sunday Standard;" the rear of their building joined our building.

Q. Was that Mr. McDermitt's paper? A. It was known to be Mr. McDermitt's paper.

Q. He was one of the promoters and proprietors of it? A. I think so.

Q. Did you do printing for them? A. We did their press-work—printed the "Sunday Standard."

Q. And did you have an account with them? A. They had an account with us.

Q. And did you have an account with Mr. McDermitt? A. No, sir; he had an account with us.

Q. I mean that. A. Yes, sir.

Q. I show you ledger, page 128, three small items of merchandise sold in 1892, amounting to \$16.50, paid by a note of June 24th, 1893, and afterwards one item of merchandise in 1894, \$2, which appears to have been paid. Is that all the account you have with Mr. McDermitt? A. The only personal account; but we had an account with the "Sunday Standard."

Q. Refer to page 158 of your ledger—is that your account with the "Sunday Standard"? A. Yes, sir; there must be more than that previous to this.

Q. This begins in April, 1893. Yes, there is more; their account is also on page 59, which carries it back to November, 1891. Those are accounts with that newspaper, are they? A. Yes, sir; probably before that; I couldn't say.

Q. At the time when you had the claim against the State was Mr. McDermitt's newspaper in the rear of your place then? A. Yes, sir.

Q. And he undertook to get a bill passed to pay the claim, did he? A. Yes, sir.

Q. And he got the bill passed to pay you \$2,750? A. He did.

Q. Had he ever done any legal services for you before that? A. Not to my knowledge.

Q. Were you owing him anything for anything at that time? A. No, sir.

Q. His "Sunday Standard" was in fact indebted to you, was it not, at that time. A. Yes, sir; about this time we ceased printing it, he having purchased a press for himself.

Q. Well, they owed you about \$180, didn't they? A. That is the balance.

Q. At the time he collected that \$2,750 for you, did you ask him to pay you the \$180 which his paper owed you? A. I did.

Q. Did he do it? A. He gave me a note for it, according to that.

Q. That was long after, wasn't it, in July? A. Well, that is all I got for it, his note, and it was protested later on.

Q. Then in February, when he got the \$2,750, he took out \$2,095 for securing the passage of that bill—is that right? A. Yes, sir.

Q. There was nothing else that you owed him for? A. No, sir.

Q. And yet he didn't pay the bill of \$180? A. No, sir.

Q. And you afterwards, in July, secured a note from him for \$180, did you not? *A.* Yes, sir.

Q. Did you collect the note? *A.* I sued on it.

Q. And obtained judgment? *A.* Yes, sir; that is the only time that he ever had any dealings with our concern as counsel.

Q. And then he was on the other side? *A.* Then he was on the other side.

Q. (By Chairman Voorhees)—Your dealings were with him? *A.* Yes, sir.

Q. Has he ever been your counsel since? *A.* No.

Q. Did you employ him to be your counsel here before the Committee? *A.* No, sir; I am afraid I will get a bill, although I didn't employ him.

Q. Did you authorize him to appear here for you? *A.* No, sir.

Q. So that to get that bill through the Legislature, through the exertions of Mr. McDermitt to get your just claim of \$2,750 paid, he charged you \$2,095? *A.* Yes, sir.

Chairman Voorhees—I think it is proper that you should be assured that I do not think the relation of counsel and client prevails between you, Mr. Heinz, and Mr. McDermitt, before the Committee. I don't think there will be any bill against you.

Senator Skirm—Not now.

Mr. Corbin—Mr. Chairman, I have obtained from the Comptroller's office the bids for the German printing for the years 1889 to 1893, to some of which I would like to refer. I find that in the year 1889 Mr. Kuser, or his newspaper, the "Freie Zeitung," bid 85 cents for composition, Mr. Heinz, 81 cents; Mr. Prieth, who, I believe, is also now of the "Freie Zeitung," of Newark—it was Mrs. Prieth at that time)—66 cents, and obtained part of the work; C. S. Robinson, of Princeton, 35 cents, and obtained part of the work. In 1890 Kuser's bid was 80 cents, and he obtained the three largest reports, I think Education, Health, and Statistics; Heinz Printing Company was 81 cents, and obtained the State Geological Report and Agricultural; Robinson's was 45 cents, and he obtained the Factory Report.

Senator Skirm—Let me ask why it should be that one amount was 45, another 80, and another 81, all for the same class of work?

Mr. Corbin—Mr. Robinson seems to have bid low, very much lower than the others, and to have obtained

part of the work. I don't think he ever bid on the rest of it at all, and the others continued during those years to obtain their high prices; you will see that later a change was made.

Q. In that year, 1890, Mr. Heinz, who attended to getting the contracts for your firm? *A.* Mr. Charles Trefz; I had nothing to do with it that year.

Q. He got two reports, the State Geological and the Agricultural? *A.* Yes, sir.

Q. And the "Freie Zeitung" got the Education, Health and Statistics, was that it? *A.* Yes, sir; I think so.

Q. At substantially the same price, 80 and 81 cents? *A.* I wish to remark the price here; the price paid for our reports was not exorbitant whatever, on account they were solid.

Q. The two you get, the Geological and Agricultural, had very few tables in? *A.* I don't think any.

Q. And the three that the "Zeitung" got had more tables? *A.* Yes; you see the reports.

Q. Mr. Trefz at that time was not an experienced printer, was he? *A.* No; I think he was an experienced brewer, if he was anything.

Q. Was he a member of the House at that time? *A.* I think he was, although I am not positive.

Q. He came down to Trenton and arranged that, did he? *A.* Yes, sir.

Q. Do you know whether there was any arrangement made with the other bidders at the time? No, sir; I was not present; I don't know anything about it?

Q. But your concern and the "Zeitung" got it all except the small report that went to Robinson? *A.* I believe so; I don't know of my own knowledge about Robinson.

Q. Yes, he got the Factory report. Now, in the year 1891, the Heinz Printing Company bid 35 cents, a very low price, for the whole thing, and got it all. There was actual, vigorous competition that year, wasn't there? *A.* So it appears.

Q. Heinz, as I see, was 35 cents that year; the "Freie Press" Printing Association, of Elizabeth, was 65 cents; the "New Jersey Deutsche Zeitung" was 65 cents; C. L. Robinson was 48 cents, and John L. Kuser was 48 cents. You underbid them all? *A.* Yes, sir.

Q. In 1892 the work was divided up again, and at moderately low prices. The "Freie Zeitung" got the Health and Taxation at 48 cents; Robinson the Factory report at 45, and Heinz Printing Company the Education at 40. In the year 1893 there

were three bids, two by Mr. Robinson; one at 55 cents for part of the work—that was the Education report—and one at 45 cents for the Factory and Workshop report, neither of which were successful. The other bid was by J. L. Kuser, of Newark, for everything—Board of Education, Board of Health, Board of Taxation and Factory and Workshops—at 76 cents, and the contract was awarded to Mr. Kuser. Those two large Educational reports which I showed the Committee the other day are part of that work. They were printed by the “New Jersey Freie Zeitung,” in Newark, by contract, at 76 cents. The lower bids were not awarded. Why did you not bid that year? A. Well, there wasn’t much money in it for me at the rates I had been figuring, and I thought I would stay out.

Q. You saw Mr. Kuser about it first? A. No, sir.

Q. Did he see you about it? A. Well, he saw me in Trenton here.

Q. Well, just tell us what was said and what happened? A. I couldn’t exactly tell what was said, but to make a long story short, I concluded to stay out by being given a consideration.

Q. How much did he give you? \$500.

Q. Do you know whether other bidders were in like manner induced to stay out of the bidding? A. I think there was one.

Q. Who was that? A. Mr. Kräutler.

Q. Do you know why Robinson was not awarded the contract when he was the lowest bidder? A. No, sir; I do not.

Q. Did he withdraw? Well, I don’t know anything about that; I suppose the records of the Comptroller’s office will show it.

Q. Well, now, after this printing had gone on, did anything more pass between Mr. Kuser and you on the subject? A. After the contracts had been awarded, when it was found out that the two best books in the lot went to Mr. Robinson, Mr. Kuser felt sorry about his part, or the amount of money he gave me, and he requested me to return one-half to him.

Q. Did you understand that half of the work had gone to Robinson? A. I was in the Comptroller’s office and saw it.

Q. He asked you to return part of the money, did he; A. Yes, sir.

Q. Did you do it A. I did.

Q. By cash or check? A. Check.

Q. Is that the check? A. Yes, sir.

Mr. Corbin—I offer in evidence the check, signed “Otto H. Heinz, Special,” upon the State Banking Company, Newark, dated “December 30, 1893,” to the

order of John L. Kuser, for \$250, endorsed "J. L. Kuser." Marked "Exhibit 206."

Q. You say that was because Mr. Kuser said he had lost part of the work which he had expected to get? A. The best part of the work, because in those reports were tables—they didn't pan out, I don't suppose, much at 76 cents.

Q. So that the net amount that you got was only \$250? A. Yes, sir.

Q. What was it that you understood that Mr. Robinson got in 1893? A. I am not certain what it was; I think the Board of Education and the Factory and Workshops.

Q. It would seem by the bill to have been printed at the "Freie Zeitung"; I show you part second of the School report of 1893, printed in German, which is made up entirely of tables; look at this, and tell me what part of it is type and what part is plate work; take any page that you please. A. This report evidently is all type work, although the headings are the same.

Q. Those headings that are the same from page to page, are they not made from plates? A. These do not appear to be made from plates.

Q. Now, in that report, Mr. Heinz, you find, do you not, the same headings in German and the same matter at the side in German for many pages together without any change, as is usual in the making up of tables; isn't that so? A. In this respect, the headings of 448 pages are alike.

Q. Those headings, then, could be printed from a plate, could they not? A. Yes, sir.

Q. Well, after you have translated one of those 400 pages you have translated them all, haven't you? A. Yes, sir.

Q. They are all alike? A. Yes, sir.

Q. The only thing that changes from page to page is the figure work in the body of the table? A. Yes, sir.

Q. Which changes with the township or county for which you are giving the statistics? A. Yes, sir.

Q. And those are not translated, are they? A. Well, they can't very well be translated.

Q. They are the same in English as they are in German? A. Yes, sir; you can't say Trenton any different in German than you can in English.

Q. I show you part one of the same report. Look at that table work and see if you see any electrotypes there? A. The headings of these are electrotypes.

Q. How about the sides? A. The sides are not.

Q. What proportion of the page does the heading constitute?

A. One-third.

Q. So that after you have that third made there is no more typesetting had on that one-third of the page? A. No, sir.

Q. That is where the profit in printing comes in, isn't it? A. Yes, sir.

Q. At what rate are tables paid for by the rule of printers?

A. Our office gave them out in weeks wages.

Q. Well, when done by the page, how much more. I don't mean what you pay for it in charging the State for it. What did you charge for a page of tables as compared with a page of solid matter? A. The State allows double for these tables, and any printer's office would charge double.

Q. That is the usual rule among printers? A. Yes, sir.

Q. That is the way they are profitable, because you get twice as much money? A. Not alone that; there is a lot of empty spaces there that can be filled up quickly with quads.

Q. There isn't much typesetting to be done? A. No.

Q. I draw your attention again to some of the bills which you rendered against the State. The bill for \$1,451.10, which the State paid you by check November 24th, 1891. That I think you said you endorsed and deposited in your account at Newark. It appears in your sales book, page 10, charged November 17th, 1891; the credit is in the cash book, page 6, November 25th, 1891. The credit is in the ledger, page 33, the same date, and a sum somewhat larger than that, \$1,475.10, was deposited the same day. I draw your attention to your bill, May 16th, 1892, for \$499.18. The State gave you a check to the order of your company, which you entered in your cash book, page 40, May 17th, 1892, and deposited. Then you drew a check to C. A. Lehman for \$100, which was charged to Charles Trefz by the stub of the check. What was that for—May, 1892? A. I had nothing to do with signing checks at that time; I don't recollect the transaction.

Q. Your check stub is to Charles Trefz; your check is to C. A. Lehman, and signed by Charles Trefz as an officer of your company. Who was C. A. Lehman? A. C. A. Lehman was a hotel keeper in Newark.

Q. Near your office? A. Yes, sir.

Q. Sort of a headquarters for certain political people? A. No; business men in general.

Q. For example, Mr. McDermitt? A. Well, he was there quite often.

Q. And Mr. Trefz? A. Mr. Trefz was there daily at that time.

Q. What called him there daily? A. Coming down town from the brewery, it was a place for him to stop—on good terms.

Q. And it was rather a rendezvous, wasn't it, for social meetings of people who are active? A. Yes; with business people of the—

Q. And is yet? A. And is yet.

Q. Look at check stub No. 2303. In whose handwriting is it? A. I couldn't tell you, sir.

Q. It is "May 21, 1892, Charles Trefz, Special," isn't it? A. Yes, sir.

Q. And the check is to C. A. Lehman, and signed "Charles Trefz, Treasurer"? A. Yes, sir.

Q. The check doesn't appear to have been paid, does it? A. No.

Q. Do you know why it was returned? A. I don't know; I don't recollect this handwriting; I never saw it, I don't think.

Q. Do you know why it was drawn? A. I do not; the handwriting of the check is evidently in the hand of Mr. Trefz, while this on the stub I can't tell who wrote that.

Q. That check of a hundred dollars had nothing to do with the \$500 obtained from the State that day? A. No, sir.

Q. You don't know? A. I don't know; I don't think so.

Q. Was your attention ever called to this check before? A. No, sir.

Q. I call your attention to the payment of the State to your company of \$917.70 by check of August 9, 1892, which you got cashed, as you testified, at the saloon of Mr. Engel, in Trenton; I find no deposit in your books of that date, or anywhere near it, of any sum of money of any considerable amount; do you know what was done with the \$917? A. Mr. Trefz was in the habit of advancing money, and he may have taken the whole amount turned over by me.

Q. Well, then, why wouldn't you charge it in your cash book to Mr. Trefz? A. I don't know.

Q. Who had the charge of these books? A. Mr. Grapp, for the last four or five years.

Q. Did any one of the proprietors of the business keep their eyes upon them? A. Well, I don't think that anybody would suspect that man; we never did.

Q. Are you aware that from the time this check was given that only the debit side of your cash book was kept, and that no entries were made on the credit side? A. No, sir.

Q. Let me show it to you. I show you the cash book, page 56, where you will see credited to the State of New Jersey \$917.70 on the 10th of August, 1892, and do you observe that the cash is regularly footed and that there is nothing on the credit side of the cash? *A.* No, sir.

Q. Do you know why that is? *A.* No, sir.

Q. And that the cash doesn't appear again to be balanced or kept properly until October, 1892; do you know why that was? *A.* I think at that time—I am not positive of this—but I think it is the fact that Mr. Trefz gave a Newark lawyer by the name of Graves power of attorney, and why the books were kept in such a condition I have no knowledge of it until to-day, why they were not footed up on the credit side.

Q. Well, not long after this you transferred the business from the Heinz Printing Company to the Heinz Litho. Printing Company, did you not? *A.* That explains it.

Q. Wouldn't that be all the more reason for balancing your books and finding out their condition? *A.* At that time when the Company was wound up whatever deficiency there was Mr. Trefz paid; there was one hundred cents on the dollar paid; I didn't look at the books any further.

Q. Well, the books were not, as a matter of fact, balanced? *A.* I don't suppose they was; this is the first time I took notice to that.

Q. And there is nothing in them to show where the money went to, is there? *A.* No, sir.

Now, for a moment, while we are on the books, I turn to Charles Trefz's account, page 90, and I find charged to him, brought from your cash book, \$1,189, \$200, \$50, \$200, with the folio of the cash book, and then a number of charges which are brought from nowhere, making up a total of \$2,391; and I find credited to him a check, \$300, and the word "payment \$1,600," which seem to come from no other book at all. Can you explain what those entries mean? *A.* No, sir.

Q. Well, why was a balance of that account forced in that way without any figures in your other books to explain it; that balance is struck November blank, if you please, 1891; there is no date opposite the final—. *A.* Did he receive that money?

Q. I can't tell. I would like to know. *A.* Or did he pay it in? I can't tell, either.

Q. I show you the credit side of his account: November 12th, 1891, he is credited a check of \$300; you won't find it in your cash or other books. Then, below it, without date, "payment of \$600;" you won't find that. You will see there is no folio

opposite it, as there is opposite the other payments. A. The brewmaster of his brewery loaned Mr. Tretz at that time \$1,600, or about that time.

Q. And he lent it to you? A. Turned it into the company.

Q. Why wouldn't it appear in your books? A. That is what I was looking for.

Q. It isn't in your cash, or anywhere else, so far as I can find.

A. I saw the payment only the other day.

Q. Well, the truth is, your system of bookkeeping broke down at this point, didn't it? A. It seems so.

Q. And these books don't fully show your transactions after that time? A. I think they do, after the beginning of the new company.

Q. After the beginning of the new company there was a reformation again in the keeping of the books? That is true; they did open a cash account again. But isn't it more or less true, all the way through, that your books do not really show the true condition of your cash receipts and payments? A. You have called my attention to it this morning, the first inkling I had of it.

Q. I will draw your attention to another payment. A check, \$185.46, dated March 1st, 1892, appears in the sales book, page 56, cash book page 26, ledger 33. I refer you again to the item \$2,750, which Mr. McDermitt collected for you under the special act of the Legislature, and ask your attention to your books. I find in your sales book, which is your journal and day book in fact, no entry of this item of printing for the State. Why is that? A. It wasn't completed; we couldn't make out an item; couldn't enter it before we had completed the work, because we never knew what the book would contain, and they were never entered until they were finished.

Q. In your cash book, page 96, I see you pass to the credit of the State of New Jersey \$2,750. That is the amount which Mr. McDermitt received for you, was it? A. Yes, sir.

Q. That is the first entry I find in your books. Now, on the opposite side of your cash, three days later, I find entered, "Frank M. McDermitt, \$2,095." That is the payment to Mr. McDermitt for recovering this money? A. That is the payment withheld.

Q. He withheld it? A. Yes, sir.

Q. I see that it is not posted to any account whatever? A. Profit and loss, I suppose.

Q. It was the expense of recovering the \$2,750? A. Yes, sir.

Q. It is not, in fact, carried to any account. I draw your attention to the payment of \$1,740, given to you by a check of the State, March 28, 1893, endorsed by the Heinz Printing Company, the Heinz Litho. and Printing Company, by yourself and Gottlieb Frank, Treasurer. That seems to have been cleared through a Newark bank, but not to have been put through your books, through your bank book. Why was that cashed in Newark for so great a sum. \$1,740? *A.* What date is that?

Q. \$1,740 paid in March, 1893. It is entered in your cash book at page 100, you credit the State with \$1,740.

Senator Skirm—What became of the money?

Mr. Corbin—It was cashed in Newark but did not go through the bank. I have the wrong check. That was deposited. I beg your pardon. You spoke the other day of a check for \$2,768.08, which the State paid you for printing the first part of the report of the Board of Education for 1892. You got this on September 12, 1893. It is entered in the sales book, page 290; cash book, 122; ledger, page 37; and you deposited that, I think you said, in the Newark Bank?

A. I think the check shows it?

Q. And it was that from which you said you paid the large amount of arrearages of wages? *A.* Yes, sir.

Q. \$1,000 for wages? *A.* Yes, sir.

Q. Now, referring, if you please, to the check for \$2,714.13, dated November 8th, 1893. This is it. You had that cashed at the First National Bank of Trenton, did you not? *A.* Yes, sir.

Q. Did you go there yourself to get the money? *A.* It looks so; my signature and all.

Q. Do you remember it? *A.* I think I do.

Q. Now your sale's book, at page 312, has that entry, which I will show you. The date of the charge to the State is November 11th, 1893. In whose handwriting is the entry? *A.* Book-keeper's.

Q. Your bill, which you identified the other day, is dated October 20th, 1893, for printing this report. It gives the details and the total amount footed up \$2,714.13. Where did you get those items from? *A.* They were measured up in the office of the expert printer.

Q. Now, in your sales book there is no entry made of it until after you were paid, some 21 days after the date of the bill, and it reads this way: "November 11th, 1893. State of New Jersey, to one thousand copies Board of Education, first part, without explanation, \$1,533.11." Why was that charge on your

books at \$1,533, and billed to the State at \$2,714? *A.* I can't tell.

Q. (By Senator Skirm)—Why not? *A.* I don't know; he may have made a mistake; there is none of it in my handwriting; evidently the State paid the whole bill.

Q. Now, after you had received from the First National Bank of Trenton this \$2,714 in cash, I show you that you returned into your corporation only the \$1,533.13, which was entered in your cash book at page 130. You see it is entered in your cash book as \$1,533.13; so that the balance, being \$1,181, never passed through your books, did it? *A.* It don't look that way.

Q. Well, now, what was done with the \$1,181? *A.* Well, I am satisfied that my bookkeeper didn't keep it; I suppose I did.

Q. I don't believe your bookkeeper got it? *A.* No.

Q. But have you no memory about it as to what you did with the \$1,181 in cash? *A.* About that time, in November some time, I think about the middle of November, I made an investment in the Asbestos Company in Newark, took some stock in there, and paid a thousand dollars; I suppose that money is from that.

Q. Why wouldn't you enter it to your personal account on the books of the corporation? *A.* I haven't kept it at all.

Q. But you would hardly take out \$1,181 of the corporation money received from the State of New Jersey without charging it to yourself? *A.* It evidently was due me.

Q. I know, but more is the reason why you should enter it up to your account; haven't you some better explanation than that of it? *A.* No, sir.

Q. Do you own all the stock in the corporation? *A.* All but two shares.

Q. Then you treated the matter very much as your own personal business, did you? *A.* Undoubtedly.

Q. In your account on the ledger I find no entry of this sum, or anything like it, or anything at the time.

Senator Skirm—Do I understand that you have shown that this check for \$2,700 was cashed at the First National Bank, of Trenton?

Mr. Corbin—Yes, sir.

Senator Skirm—That there was no entry on the book until twenty-one days after, when Mr. Heinz charged \$1,533, and the difference, \$1,180, has gone somewhere.

Mr. Corbin—That is not quite accurate. The bill was rendered to the State in detail, and I presume correctly, on the 20th of October, 1893; at that time there had

been no entry on the books whatever ; the money was paid by the State on November 8th, 1893, and Mr. Heinz has testified that he cashed the check, as indeed the check shows, at the First National Bank of Trenton, for \$2,714. He returned a day or two later \$1,533.13 of this money into the corporation, which went into the cash book credited to the State, and then an entry was made upon the sales book, as I have read, " A thousand copies of the Board of Education, first part, without explanation, \$1,533.11," the balance of cash which had come in, leaving in Mr. Heinz's hands, as he admits, \$1,181.

Q. (By Senator Skirm)—Haven't you any explanation why the entry should be made of 1,500 and some odd dollars?

A. No, sir ; except here—what date was that?

Q. The exact date is November 8, 1893, that you got the check. *A.* I find here on November 11, 1893, four entries of about 15 or 16 hands which we paid off back wages.

Q. This is your receipt book that you produced? *A.* From the hands ; yes, sir.

Q. Yes ; doubtless you paid wages, and I think you will find it all entered in the cash. But that doesn't account for the \$1,181 which did not go into the corporation at all? *A.* Well, it evidently was drawn by me, or kept by me, and used for my own private purposes, which I had a perfect right to do.

Q. Do you remember some years when the Governor's inaugural address or messages to the Legislature were printed in German by you, and also printed in German by others? *A.* Yes, sir.

Q. Was that the year 1892, the last year of Governor Abbett's term? *A.* I think so.

Q. How many others printed it besides yourself? *A.* I think two other firms.

Q. Who were those? *A.* Mr. Krautler, of the Deutsche Zeitung, and Smith, at Elizabeth.

Q. Did you each get separate translations? *A.* I don't think so.

Q. Who translated for you? *A.* I couldn't say.

Q. From whom did you get your copy? *A.* From the Clerk of the House.

Q. Did you set it all up in your own office, or did you get the type from one of the other parties? *A.* No, sir ; we set it up.

Q. Did anybody take your type? *Q.* No, sir ; we printed for others afterward from our type.

. You think you had your own translating done? A. Yes, sir.

Q. Probably the others did the same? A. Probably.

Q. And the translating is charged in the bill? A. Yes, sir; but I can't answer for the others.

Mr. Corbin—I haven't the bills all here, but I think it is a fact that these were ordered by the Legislature—by the House, I think—printed by two or three German printers, and evidently it is no reflection upon this witness, but it is the fault of the Legislature, if there is any fault about it.

Q. You printed two thousand copies? A. Three thousand.

Q. And each of the others three thousand? A. I think so.

Q. Did that cover the inaugural address as well as the Governor's message? A. I think there were two separate reports.

Q. And one was Governor Abbett's final message and the other was Governor Werts' inaugural address? A. I couldn't say; I think it was Governor Werts'—one of them—and Governor Abbett's the other.

Q. It must have been earlier than 1892? A. Yes, sir.

Q. (By Senator Skirm)—Do I understand you to say you printed these copies for other newspapers besides yours? A. I think I made that remark.

Q. (By Senator Skirm)—Then I want to ask whether, if you printed these, whether the papers got paid for them? Did you print their copies for them? A. Yes, sir.

Q. And these other gentlemen got the cost of translating and printing and you did the work?

Mr. Corbin—I don't want to make that charge until I look at the bills. I am not quite sure that was paid more than once.

Q. But you were paid for the translation? A. Yes, sir.

Senator Daly—When was this contract system entered by which this printing of public documents was started?

Mr. Corbin—1883.

Senator Daly—Has all this public printing been done under that contract from that time down to the present?

Mr. Corbin—No; the printing which is given out through the Comptroller's office, or by the joint committee of the two Houses, acting in conjunction with the Comptroller's office, is done by contract. There is other printing that has been ordered from time to time by the House of Assembly or by the Senate, and the Governor has had printing done before the convening

of the two Houses, covering, if you please, his message. Then there has other printing been done where the item was not included in the specifications prepared by the Comptroller, or in the joint committee, but reports have come in afterwards, and they have, I believe, in certain cases been sent out to be printed, sometimes to the State printer and sometimes possibly to others, and that answer, I think, covers substantially all the printing that is done outside of the current printing done for the Legislature.

Senator Daly—Sometimes that class of printing was ordered by the joint committee, and sometimes by the Comptroller?

Mr. Corbin—The joint committee are supposed to make up the list of all the documents which are to be printed. I believe that is the practice; at all events, to designate those that should go into the book of documents and specifications are issued, bids are received and the contracts are awarded; it sometimes happens, I believe, that reports do come in from the commissions or officers or boards which are not included in this specification, probably by accident; some new commission has been appointed—and those I know in certain instances have been given out without contract.

Senator Daly—Then really the Joint Committee are responsible for the amount that is ordered.

Chairman Voorhees—To a certain extent.

Mr. Corbin—They seem to have assumed the responsibility of making up the list.

Senator Daly—That is what I mean.

Mr. Corbin—That was the old law, that the Joint Committee on Printing should do so. It seems to have been changed in 1883, and the law seems to be that the Legislature shall designate; but as the Legislature has not done it, the practice has been continued to convene the Joint Committee and have them make up the list in conjunction, I believe, with the Governor and Comptroller. I think that is about the practice. I am stating, of course, what I have learned by inquiry. Previous to 1883 the joint committee used to make up the lists and then the Legislature would annually pass a printing act, and usually in the act would designate a printer—that this newspaper or that man shall print,

designating, perhaps, one or two or three; but it was not open to competition, I think, until 1883.

Senator Daly—The joint committee in most every case were reputable and responsible gentlemen.

Mr. Corbin—I take it, sir, that while the joint committee have passed upon it, I think, as a matter of fact, that everything that has come in the way of reports, substantially everything, has been printed. There has been no discrimination. The only thing that has been passed upon is to say how many copies.

Senator Skirm—And if there is any extravagance it has been on that line—ordering more copies than were necessary?

Mr. Corbin—And then printing things which in the judgment of some might not be necessary. The law seems to contemplate that it shall be weeded out and only such things as are of sufficient importance shall be printed, but I think the only discrimination which has been made in regard to it, as a rule, has been to say how many copies shall be printed.

Senator Daly—Have you made a comparison between the rates for translation during the last six or seven years and the rates prior to that?

Mr. Corbin—No, sir; I didn't go into the translating subject at all, except to lay before the Committee a table last week, giving the gross amount paid for translating each year as one of the necessary expenses of German printing, my purpose being to show the expense, and the discussion which arose over translation was as unexpected to me as to anybody else. That is as far as I have gone with it.

Senator Daly—I am informed that the charges made for translation were at least 50 per cent. less or 100 per cent. less than what it was prior, during the last six or seven years.

Mr. Corbin—At 100 per cent. less we would get it for nothing.

Senator Daly—I mean 50 per cent. less.

Mr. Corbin—I have some evidence to-day on the subject here.

CHARLES S. ROBINSON sworn.

Examined by Mr. CORBIN.

Q. What is your occupation? A. Printer.

Q. Where do you live? A. Princeton.

Q. Conduct your business there? A. Yes, sir.

Q. You have done German printing for the State? Yes, sir.

Q. In 1889, I observe, you were awarded a contract at 35 cents per thousand ems. You bid for only part of the German printing, did you not? A. Yes, sir.

Q. And in 1890 you got the Factory and Workshop Report, at 45 cents? A. Yes, sir.

Q. Then you bid for only part? A. Yes, sir.

Q. And you were very much lower than the other bidders, were you not? A. I don't know what the others were.

Q. Didn't you know, when the bids were opened? A. No, sir; only one year.

Q. In 1891 the Heinz Printing Company underbid you on everything, didn't they, and got the whole German printing? A. One year they did; yes, sir.

Q. In 1892 you got the Factory and Workshop Report again, at 45 cents, did you not? A. Yes, sir.

Q. Now, in 1893, the whole contract for the German printing seems to have been awarded to the "New Jersey Freie Zeitung," of Newark, at 76 cents, although I observe that you bid on some of the work at 45 cents, and on certain other of it at 55. Why didn't one of those contracts go to you, as usual? A. Well, now, I just figured on that big job as a feeler. I wasn't able to do it. The little job was the only one I really had the facility to do.

Q. One of your bids, filed November 28, 1893, which I now show you, was for that same little job, the Factory and Workshop report, at 45 cents. Why didn't you take the contract, when your only rival bid 76? A. I had to give up all; I had to give the whole job up.

Q. Who said that? A. I think the Comptroller told me that.

Q. Your other bid was for a thousand copies of the State Board of Education at 55, was it not? A. Yes, sir.

Q. And you didn't get that either? A. No, sir.

Q. Your only rival that you had was the "New Jersey Freie Zeitung," wasn't it? A. I don't know.

Q. At 76 cents. By the bids it appears that they were much higher. Did you go down to see the Comptroller about it? A. Yes, sir.

Q. Did you consent to have your bid of 45 cents defeated by a bid of 76 cents? A. Well, they said—I understood I would have to give the whole job up; I suggested to the Comptroller if I could do the whole job—

A. (By Chairman Voorhees)—A little louder, Mr. Robinson. They talk louder down in Princeton? A. The trainmen do. I would like to have withdrawn the large bid, but I understood from the Comptroller I couldn't do it.

Q. (By Senator Skirm)—Who was the Comptroller that year? A. Heppenheimer.

Q. The very specifications on which you bid allowed you to put in a bid on any item, did they not? A. Yes, sir.

Q. And you did put in two separate bids? A. Yes, sir.

Q. One for the Factory Report, which you had before printed? A. Yes, sir.

Q. And the other for the Board of Education Report, which you then branched out towards for the first time? A. Yes, sir.

Q. Did you see anybody else besides the Comptroller about it? A. I think I had a conversation with Mr. Kuser.

Q. He was here, too, was he? A. I think I saw him in Trenton.

Q. Why were you induced to give up that contract? A. Well, I asked them if they wouldn't take that off of my hands at that price, and they said they couldn't; I didn't expect to get that big job.

Q. Did the Comptroller find any fault with you for backing down? A. He said, "the next time you bid, don't bid on any more than you can do."

Q. He wouldn't give you one without the two? A. He didn't say that absolutely, but I understood that.

Q. From whom did you understand it, if he didn't say it? A. From Mr. Heppenheimer.

Q. Did you talk it over with the other bidders? A. I had a conversation with Mr. Kuser. I asked him to take that big job, and he said no, he couldn't do it; he says, here is a union; he says, you can do that work cheap in Princeton if you can do the work, and I says I didn't expect to do that work; I would like to have him take the work off my hands; he said they couldn't do it at that price.

Q. Now, in 1892, you put in for 2,500 copies of the Quartermaster-General's Report and 3,500 State Normal School and 7,000 Factory and Workshop, and 1,000 of the same in German? A. Those were in English.

Q. Only one in German. You had a larger capacity for English? A. Yes, sir.

Q. It was only in German, then, that your capacity was limited? A. I had two German printers.

Q. You went out of the State printing entirely that year, 1893, did you not? A. I think I bid on some others; I am not sure.

Q. Did you get anything? A. No, sir; they got English printing done too low for me.

Q. Now, this German printing was pretty profitable at 76 cents that year, wasn't it? A. It would have been to me if I could have done it.

Q. Did you enter into any arrangement with the other bidders by which you were to withdraw? A. They said they would give me back the little job.

Q. Did they? A. Yes, sir.

Q. Did you print it, in fact? A. Yes, sir.

Q. In 1893? A. Yes, sir.

Q. It went in under the name of the "Freie Zeitung?" A. Yes, sir.

Q. So they got 76 cents for it and gave you something less? A. They gave me the same thing.

Q. You got 76? A. Yes, sir.

Q. I understand it, I think; so that although your bid was 45 cents, that by this arrangement whereby the Comptroller refused to take your bid, you really got 76 for that year? A. Yes, sir.

Q. (By Senator Skirm)—As I understand, this work was divided up, was it not? A. I never had anything to do with dividing it up.

Q. (By Senator Skirm)—No one office did all the work, did they? A. That I don't know; I never bid before but for the one job.

Q. (By Senator Skirm)—And that was all you were capable of doing? A. Yes, sir.

Q. (By Chairman Voorhees)—I didn't quite understand why they didn't award you the contract at that figure. What explanation have you to give for that? A. I told the Comptroller I couldn't very well do it.

Q. (By Senator Skirm)—Do all the work, you mean? A. Yes, sir.

Q. (By Chairman Voorhees)—But then you only bid for part of it? A. Yes, I put in for the Board of Education and the Factory and Workshops, that I had been used to doing. That I could do very easily.

Q. (By Chairman Voorhees)—Why weren't those two reports handed over to you? A. Well, I asked the Comptroller if he would allow me to withdraw the bid, because I wasn't in a position to do the large job, although I had secured a couple of bondsmen.

Q. (By Chairman Voorhees)—Offered a bondsman? A. Senator Skirm offered kindly to go on the bond, for one, and Joseph H. Brewer.

Q. Where did this interview in Trenton take place, in the Comptroller's office? A. Yes, sir.

Q. Mr. Kuser was here? A. Yes, sir.

Q. And you were here? Yes, sir.

Q. Any other bidder? A. No, sir.

Q. (By Senator Skirm)—Only the two bidders? A. Yes, sir.

Q. There were your two bids, and right beside them lay the others, all before the Comptroller. Do I understand you to say that the Comptroller said he couldn't award you that one because you wouldn't also take that one? A. Well, now, I can't say whether it was put specific before him.

Q. How was it put before him? What did he say? A. I wrote him a letter, which I suppose may be on record.

Q. I am speaking now of the interview when you were here upon the occasion when the Comptroller said something sharp. A. I don't remember the exact words, but I understood him to say that the award was to be made in the whole or none at all.

Q. Wholly or none, take it all or none of it? A. Yes, sir.

Q. He wouldn't award you that bid and reject that one? A. That is what I understood him to say.

Q. Although that is for one piece of work and that is for another piece of work? A. Yes, sir.

Q. Although the specifications on which you bid explicitly say you may bid separately on any piece of work? A. Yes; well, you see the contract would be all one contract.

Senator Daly—What are the respective bids?

Mr. Corbin—Mr. Robinson bid for the Factory and Workshop contract which he had had for several years, 45 cents; then in this bid he put in the State Board of Education, which he had never printed, in German, which is a big book, 55 cents, which is what I now hold in my hand.

Senator Skirm—And which, as I understand Mr. Robinson to say, he was unable to do that work because of its size and magnitude?

Witness—Yes, sir.

Mr. Corbin—Mr. Kuser bid for all this German work, I think. I think other things are in that he didn't bid for at all. On this Taxation Report he bid seventy-six cents.

Q. Now, when you made this little arrangement with Kuser about getting it any way, the factory part of it, I suppose that was not in the Comptroller's office, or was that outside? A. No; I had seen him before.

Q. Where had you seen him before? A. In Princeton.

Q. He came to Princeton to see you about it? A. Yes; I wanted him to take this job off my hands.

Q. Of course, you knew that your were lower than he? A. I had been informed that I had the contract.

Q. (By Chairman Voorhees)—That you had the contract? A. Yes, sir.

Q. So he came down to see you about it? A. Yes, sir.

Q. Then you made up your mind that it was a little too heavy for you? A. Yes, sir.

Q. But that you could handle it at seventy-six cents? A. I could handle it at forty-five.

Q. No; but you didn't handle it short of seventy-six. Did you get anything on account of this one from Mr. Kuser? A. A. Yes, sir.

Q. How much did you get? A. I was to get \$500.

Q. Did you get it? A. Yes, sir.

Q. Have you got it yet? A. Yes, sir.

Q. You didn't have to give any of it back? A. No, sir.

Examined by CHAIRMAN VORHEES:

Q. Was that arrangement made with Mr. Kuser before you found out you couldn't go ahead with the contract for the Board of Education Report, and before your interview with Comptroller Heppenheimer? A. Yes, sir; I think it was.

Q. That is, after you had put in your bids at 55 cents and the contract had been awarded you, then Mr. Kuser came to you and gave you \$500? A. No, sir; he didn't; he said if they awarded it to me—

Q. If they awarded it to you? A. If they awarded it to him; if the Comptroller consents to change this and there is one volume—

Q. If the Comptroller awarded the Board of Education to Mr. Kuser he would give you \$500; then after that you came to the Comptroller and stated that you couldn't do the Board of Education; is that right? A. Well, I don't know whether I had written to him before or not.

Q. As a matter of fact you made the arrangement with Kuser before you saw the Comptroller? A. Yes, sir.

Examined by SENATOR DALY :

Q. I understood you to say that you had repudiated your contract—in other words, that you couldn't perform it, and asked him to be relieved from it. Isn't that so? A. Yes, sir.

Q. When you received notice that the contract had been awarded to you, you then considered the fact that you couldn't do that Board of Education work; did you then notify the State Comptroller? A. Yes, sir.

Q. Did you then ask to be relieved from your contract? A. Yes, sir.

Q. Now, then, was it pending that time that Mr. Kuser called upon you and stated to you that if you were relieved from your contract that he would give you \$500? A. It depended on whether there were two volumes or one.

Q. (By Senator Skirm)—What depended upon that? A. Whether I was to get \$500—the size of the job.

Q. (By Senator Skirm)—These two publications as turned out? A. Yes, sir.

Senator Daly—I want to get at why this man accepted \$500 from Mr. Kuser.

Witness—I wanted them to take the job, and they said they couldn't possibly do it for my figures. I says, "You can have this job for nothing and leave me on this little job."

Q. (By Senator Skirm)—See if I can make it clear to you. The contract was awarded to you for this work at 45 cents for the Factory Report and 55 for the other? A. Yes, sir.

Q. (By Senator Skirm)—Did you find, after your proposal had been accepted, that with the magnitude of the work you couldn't do that work in your office? A. Yes, sir.

Senator Skirm—Allow me to ask, Mr. Corbin—as I understand it, this in the year 1893 has just been delivered, this part?

Mr. Corbin—One of those volumes, I believe, has just now been delivered. I think I ought to say, however, that this is largely due to the negligence of the State Board of Education in not giving the copy.

Senator Skirm—And not on account of the magnitude of the work?

Chairman Voorhees—I may say that the State Board of Education did not know that their report was to be printed in German, and that probably explains the delay on the part of the State Board of Education.

Examined by SENATOR SKIRM.

Q. And then after you found the contract was awarded to you, and saw the magnitude of the work, you found it was impossible for you to do this work; and then Mr. Kuser called on you and saw you and took this off your hands, provided you backed out of it? A. Yes, sir.

Q. In consideration of that, for any profit that you might have had, he agreed and did give you \$500? A. Yes, sir; the profit would have been a good deal more if I could have done it.

Q. If you had had the facilities for doing this work you would have done it at 55 cents and made some money? A. Yes, sir; I never would have given it up.

Q. But with your limited facilities it was impossible for you to do this work? A. Yes, sir; I think I explained that to you at the time, that I was very doubtful whether I could do it, but I thought finally they would be willing to take it off my hands.

Q. I remember the day that you came in and asked me to go on your bond. You said you had a possibility of getting some German work, and I then expressed my surprise to you that you done any German work in your office. You said then that you would go and see the size of it, and I don't think you ever came back, except to say that you didn't get the work. A. I talked with Mr. Bechtel; he said, "You probably can do it;" I says, "That is a pretty big job, and if they enforce the thirty-day rule it would be impossible for me to do it."

Q. Therefore the thirty-day rule has not been enforced, because a year and a quarter or more has passed since that went into the hands of the printer? A. That I don't know.

Q. Well, this is the report for 1893, and it is now 1895? A. I think I could have made a couple of thousand dollars profit on it if I had had it.

Examined by MR. CORBIN.

Q. You think from the Board of Education Report you could have made at least \$2,000 profit? A. Yes, sir.

Q. This small volume, made up of tables, which I now hold in my hand, cost the State for printing \$6,044 for one thousand copies. That is exclusive of translation. Now look that over and see if you don't raise the figure as to the profit that can be made on this Board of Education Report. You could have made \$2,000 at 55? A. I thought so, easily.

Q. What could you make if you got 76? A. I guess it would have doubled it.

Q. Observe that this first volume—which, by the way, has not yet been paid for—observe that there is a matter of 400 pages of tables also in that; there is also an unusual amount of tabular matter in this report, isn't there? *A.* It changes each year.

Q. It happens there is an unusual amount? *A.* These reports both seem to be larger than the specimens, a good deal.

Q. They are larger than any that have preceded them, I think. *A.* I think so.

Q. And therefore the job would be larger? *A.* I think the job was about—

Q. What do you estimate the profit at now, looking at the books as they are? *A.* We have no union in Princeton; work is done comparatively cheap; I don't know what they pay in Newark.

Q. Suppose you got 76 cents for it? *A.* If I got 76 cents I could do it at \$10 a thousand; I would make a lot of money; I think they pay a great deal more money than that in Newark for that work.

Q. Whereas the price for that in Newark, where union offices exist, would be considerably higher than what you would have to pay in Princeton? *A.* Yes, sir.

Q. (By Senator Skirm)—What is the rate in Newark in union offices? *A.* I don't know; 30 cents is all we pay; I think it is 50 here.

EMIL KRAEUTLER, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? *A.* Newark.

Q. Your business is what? *A.* I am connected with the "New Jersey Deutsche Zeitung."

Q. And a printer, I suppose? *A.* No.

Q. Used to be a printer? *A.* No; I have only the business department.

Q. Did you ever bid on any of the State printing? *A.* Yes, sir.

Q. In what years did you bid? *A.* Well, I guess I handled our business in 1889.

Q. And you bid in 1891, didn't you, too? *A.* Yes, sir.

Q. Did you bid in 1892? *A.* I think I did; I don't remember.

Q. That is the last bid you put in, wasn't it? *A.* Yes, sir; last bid I put in.

Q. You bid in 1893. This seems to have been mislaid. There was a third bid in 1893. Now, I observe that in 1893 you bid for the German printing 82 cents for composition for the Board

of Health, Taxation, Education and Factories. You didn't get the contract that year, did you? A. Never got a contract.

Q. Your bid that year was a good deal higher than before, wasn't it? A. Yes, sir.

Q. How happened that? A. Well, that year—

Q. That is the year Mr. Kuser got it all? A. Yes, sir. He came to see me, and he told me, he says, "now, you know that you never had a contract anyway awarded, and Mr. Heinz had lost some money on it, and I have talked to Mr. Heinz, and Mr. Heinz is willing to let me have the work"; and he says, "what are you going to do about it"? He says, "you don't want it, and you can't make it; you haven't any job business, anyway," and he offered me a hundred dollars on a report—three reports there were.

Q. One hundred dollars for each of the three? A. Yes, sir.

Q. He paid you the money, did he? A. Yes, sir.

Q. That was about the time that you put in your bid? A. I don't remember whether it was the day before or after.

Q. And so you put your bid in a little higher than his? A. Yes, sir.

Q. And he got the contract and you got the \$300? A. Yes, sir.

Q. That was all there was to it? A. Yes, sir; that is all.

FREDERICK FIEG, sworn.

Examined by Mr. Corbin.

Q. Where do you live? A. Newark.

Q. What is your business? A. Translator.

Q. Into what language do you translate? A. Well, English into German.

Q. Did you translate some public documents for the State? A. I did.

Q. And who employed you to do that? A. John L. Kuser.

Q. What were the documents which you translated? A. All of the reports.

Q. For what year? A. From 1886 to 1893.

Q. Well, Mr. Kuser didn't employ you to do all the translating for those years? A. No, sir.

Q. But you mean you did the translating for his printing-house? A. Yes, sir.

Q. Governor's messages? A. No.

Q. What then? A. Reports of Boards.

Q. Board of Health? A. Yes, sir; and Education and Statistics.

Q. There was no other translator, then, who employed you, but Mr. Kuser came to you directly? A. Yes, sir.

Q. And he paid your bill? A. Yes, sir; always.

Q. You put in no bill to the State? A. No, sir.

Q. Look at these two yellow books, part 1st and 2d of the Board of Education, Report of 1893. Did you translate those?

A. Yes, sir; some sheets; I never got the whole book; translated only by sheets.

Q. Certain sheets came to you from Kuser's office and you translated and returned? A. Yes, sir.

Q. What is paid for translating to you? A. I got paid 17 cents for translating.

Q. 17 cents a page? A. Per English page, yes, sir; and three cents for proof-reading.

Q. Then you did all of the translator's and proof reader's work that was necessary to turn it from English into German? A. Yes, sir.

Q. Did it pass through anybody else's hands to have translation approved or justified? A. I don't know.

Q. You handed it back to Kuser and then the proof sheets came back from him? A. Yes, sir.

Q. And how soon after you handed your translation back to Kuser would you get the proof sheets? A. Well, sometimes after a week or two weeks.

Q. So that you were translating, proof-reading, from day to day along both at the same time? A. Yes, sir.

Q. And you were paid by the English page? A. Yes, sir.

Q. The German pages, I understand, make about a third more? A. Yes, sir.

Q. That was the price that you always got? A. Yes, sir.

Q. Did you translate any other work for the State? A. The State laws.

Q. For whom did you translate the laws? A. For Mr. Kuser.

Q. What years? A. From 1888 to 1893, five years.

Q. And that came in the same years? A. Yes, sir.

Q. He handed you the English and you turned it into German? A. Yes, sir.

Q. And he published that in his newspaper? A. Yes, sir.

Q. Did you translate for any other newspapers? A. No.

Q. And did that pass through anybody else's hands but yours? A. Not as far as I know.

Q. You read the proof? A. Yes, sir.

Q. And then it appeared in the paper? A. Yes, sir.

Q. And was that at the same rate of compensation? A. No, he paid ten cents a folio, 100 words.

Q. And that was for translating and proof-reading? A. Yes, sir.

Q. How much would that amount to per English page? A. I can't tell, sir.

Q. Is that higher or lower than the other rate? A. It is higher.

Q. Somewhat higher? A. Yes, sir.

Q. Not very much higher, is it? A. Well, it is better paid than the reports.

Q. I show you now the tables in the Board of Education reports; the figures, of course, require no translation? A. No.

Q. And did you translate the side-notes and headings? A. Yes, sir; I did sometimes.

Q. Were they not the same from year to year? A. Yes, sir.

Q. Well, now, if you will look at that you will find that those head-notes are the same perhaps on twenty pages? A. Yes, sir.

Q. Were you paid for translating twenty pages or one? A. Well, for the tables I only got ten cents, when there were any foot-notes.

Q. And a table is a page? A. Yes, sir.

Q. But if there were no foot-notes how much? A. Only the proof-reading.

Q. How much for proof-reading? A. Three cents.

Q. But if there are twenty pages with the same head-notes across them, you are paid for one translation only, and not for twenty? A. Yes, sir.

Mr. Corbin—The State paid for twenty.

IRWIN T. BUSSMAN, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Newark.

Q. Occupation? A. Journalist.

Q. And do you know the German tongue? A. I do; yes, sir.

Q. Have you translated from English into German for the use of the State? A. Yes, sir.

Q. What did you translate? A. I translated different reports.

Q. Laws? A. No; not in former years; yes, laws.

Q. Well, for what years did you translate reports? A. For quite a number of years.

Q. Up to the present time? A. Up to last year.

Q. Who employed you to translate? A. The "Freie Zeitung," or at least the business manager for the "Freie Zeitung."

Q. Did you assist in the translation of this Board of Education Report for 1893, of which Mr. Fieg has spoken? A. I think I did the translation; I think I did all of it.

Q. Mr. Fieg thought he did some of it? A. It might be the report before this.

Q. And did you do the proof-reading as well? A. Yes, sir.

Q. Did it pass through anybody's hands but yours in going from English into German? A. I delivered the finished work to Mr. Kuser, I believe.

Q. And then you read the proof as he printed it? A. Yes, sir.

Q. He printed as fast as you gave it to him, didn't he? A. Yes, sir; the copy accumulated until he had enough of it, and it went through the hands of the printer.

Q. At what rate were you paid for this work? A. Twenty cents a page.

Q. Did that include proof-reading? A. I was allowed three cents extra for proofreading.

Q. Making twenty-three cents in all? A. Yes, sir.

Q. How about the tables? A. I was allowed three cents for arranging the tables, if there was any matter to arrange, translating headlines, or any matter on the page that required translation.

Q. After you had translated headlines once, if those headlines ran through a number of pages you were not paid— A. I only charged for once.

Q. Have you translated for anybody else except the "New Jersey Freie Zeitung"? A. Not lately; I might have translated one or two reports for some other firm.

Q. Did you translate the laws for the same people? A. I did not.

Q. That was years ago that you had the translation of laws? A. That was years ago.

Examined by SENATOR DALY.

Q. A page like this you see, is it not harder to translate than it would be a solid page, and take more time than a solid page of English matter? A. No.

Q. It would not? A. No.

(Referring to pages 248 and 249 of the second volume of the Board of Education Report.)

Q. Isn't more time necessary to look over it? A. No; to translate an English page takes about three-quarters of an hour, and you can translate this in about 20 minutes, I think.

Q. And how about the printed matter on the margin there?
A. Well, I had nothing to do with the figures, only translating the headlines or explanatory matter.

Q. (By Senator Skirm)—English and German are about alike in figures? *A.* Yes, sir.

Chairman Voorhees—And on the left side of the page there isn't much translation, about Monmouth Junction and Cranberry Marsh, North Cranberry and South Cranberry and Jamesburg, and you can read that, Senator.

Senator Daly—I can read most any of the foreign languages.

Chairman Voorhees—I understand the Senator is well up in Italian.

Printing, Advertising and Stationery.

1891.....	\$174,694 64
1892.....	177,998 93
1893.....	186,9 8 30
1894.....	191,835 23

This is not all. Many other items are included in the accounts where money is paid over directly to the officer or board to be expended. In those cases there is (as a rule) no separate voucher on file in the Comptroller's office to show how much was expended for printing and advertising. Those items can only be discovered by an examination of the accounts kept by each such board or officer.

Summary of Moneys Paid by State of New Jersey for Printing Advertising and Stationery.

1891.

No. 1, Court Expenses.....	\$820 83
No. 1½, Court Expenses.....	2,328 77
No. 3 and 3½, Militia.....	911 05
No. 4 and 4½, Legislature.....	6,906 27
No. 6, Rebuilding Assembly Chamber.....	69 30
No. 8 and 8½, Advertising.....	89,374 65
No. 9, State Prison Maintenance.....	722 95
No. 13, Appropriation to furnish camp ground.....	250 40
No. 13½, Appropriation to furnish camp ground.....	9 50
No. 15 and 15½, State House expenses.....	83 75
No. 17 and 17½, Printing.....	43,272 95
No. 20, Alterations and additions to State House.....	31 20
No. 22 and 22½, State House.....	4,438 80
No. 23, State Board of Assessors.....	216 90
No. 23½, State Board of Assessors.....	2,561 85

No. 24 and 24½, Geological Survey.....	\$5,596 83
No. 26 and 26½, Stationery and Postage.....	8,728 01
No. 27 and 27½, Tax Commission.....	141 11
No. 30 and 30½, Appropriation to furnish new Capitol.....	200 00
No. 35, Legal Expenses.....	158 30
No. 35½, Legal Expenses.....	290 00
No. 37 & 37½, State Board of Health.....	1,364 85
No. 40 & 40½, Binding.....	3,679 10
No. 42 & 42½, State Library.....	302 60
No. 47 & 47½, Incidentals.....	45 00
No. 59 & 59½, Escheats Account.....	13 20
No. 5 & 5½, Normal School Extension.....	31 30
No. 8 & 8½, State Superintendent.....	1,868 57
No. 9, School Fund Expenses.....	25 00
No. 9½, School Fund Expenses.....	81 00
No. 12½, State Board of Education.....	70 00
Total.....	\$174,694 04

1892.

No. 1, Court Expenses.....	3,207 83
No. 2, Rebuilding Assembly Chamber.....	33 28
No. 5, Legislature.....	6,790 97
No. 6, Militia.....	1,720 68
No. 8, State Prison Maintenance.....	659 45
No. 10, Advertising.....	74,511 11
No. 12, State House Expenses.....	355 40
No. 15, Printing.....	50,101 69
No. 20, Furnishing Assembly Chamber.....	22 30
No. 21, Stationery and Postage.....	12,889 93
No. 22, Geological Survey.....	7,634 35
No. 23, Alterations and additions in State House.....	6 30
No. 30, Corporation tax expenses.....	150 75
No. 31, Law and Equity Reports.....	1,117 20
No. 32, State Board of Health.....	2,576 85
No. 33, Record of Officers and Soldiers of the late War.....	8,995 00
No. 36, N. J. Commission to World's Columbian Exposition.....	143 12
No. 37, Revision of Statutes.....	337 48
No. 38, Legal expenses.....	1,359 75
No. 39, Contested Election, <i>Stuhr v. McDonald</i>	9 75
No. 40, State Prison Repairs.....	42 09
No. 42, Bureau of Statistics.....	25 00
No. 47, State Library.....	238 25
No. 48, Binding.....	2,626 00
No. 8, (Schools) State Superintendent.....	1,491 80
No. 12, (Schools) State Board of Education.....	43 25
No. 16, (Schools) School Census.....	509 35
Total (1892).....	177,998 93

1893.

No. 1, Court Expenses.....	3,053 71
No. 3, Legislature.....	13,704 93
No. 6, Militia.....	1,280 39
No. 6, N. J. Commission World's Columbian Exposition.....	

No. 7, Advertising.....	\$90,314 20
No. 12, State Prison Maintenance.....	805 72
No. 14, State House Expenses.....	410 78
No. 16, Printing.....	46,315 90
No. 18, Ventilation of Senate Chamber.....	30 60
No. 23, Stationery and Postage.....	10,797 13
No. 29, Revision of Statutes.....	1,114 86
No. 30, Geological Survey.....	3,204 34
No. 31, Corporation Tax Expenses.....	1,156 73
No. 33, State Board of Arbitration.....	296 54
No. 34, State Board of Health.....	1,431 90
No. 35, Agriculture.....	14 40
No. 36, Legal Expenses.....	897 86
No. 37, Law and Equity Reports.....	348 40
No. 38, Electrical Subways.....	33 25
No. 39, Bureau of Statistics.....	368 45
No. 42, Record of Officers and Soldiers of Late War.....	3,472 00
No. 43, State Library.....	615 70
No. 44, Rebuilding Assembly Chamber.....	2 00
No. 47, Binding.....	3,110 50
No. 51, Inauguration Expenses.....	94 22
No. 7, State Superintendent (School Fund).....	3,959 94
No. 9, School Census (School Fund).....	98 85
Total (1893).....	<hr/> \$186,938 30

1894.

No. 1, Court Expenses.....	\$1,193 75
No. 1½, Court Expenses.....	1,823 44
No. 2, Militia.....	619 68
No. 2½, Militia.....	1,115 63
No. 5, Legislature.....	451 03
No. 5½, Legislature.....	6,318 89
Nos. 9 and 9½, Advertising.....	78,338 54
No. 11, State Prison Maintenance.....	137 85
No. 11½, State Prison Maintenance.....	591 19
No. 13½, Public Roads.....	117 65
No. 14, State House Expenses.....	111 90
No. 14½, State House Expenses.....	289 71
No. 16, Printing.....	19,068 98
No. 16½, Printing.....	44,012 10
No. 23½, Corporation Tax Expenses.....	475 65
No. 26, Geological Survey.....	2,446 75
No. 26½, Geological Survey.....	2,207 40
No. 27, State Board of Arbitration.....	56 40
No. 27½, State Board of Arbitration.....	129 81
No. 31, Revision of Statutes.....	1,914 28
No. 31½, Revision of Statutes.....	948 11
No. 32, Stationery and Postage.....	2,997 57
No. 32½, Stationery and Postage.....	4,449 67
No. 36 and 36½, Law and Equity Reports.....	9,534 70
No. 39, State Board of Health.....	44 00
No. 39½, State Board of Health.....	718 16
No. 41, Legal Expenses.....	1,554 78
No. 44½, Bureau of Statistics.....	92 44

No. 45 and 45½, Preservation of Records.....	\$4,525 43
No. 46, Electrical Subways.....	16 00
No. 47 and 47½, Binding.....	2,847 76
No. 49, State Library.....	133 55
No. 49½, State Library.....	159 60
No. 54, Constitutional Commission.....	366 85
No. 7, State Superintendent (School Fund).....	427 75
No. 7½, State Superintendent (School Fund).....	986 08
No. 12½, School Census.....	412 15
Total (1894).....	\$191,835 23

SAMUEL A. SMITH, sworn.

Examined by MR. CORBIN.

Q. I summoned you for last week, but you were not able to come down. You were formerly county clerk of Essex county?

A. I was.

Q. I understand you desire to make some statement. Would you like to make any statement with regard to the subject of the fees that are in arrears? A. I wanted to say this: that as soon as the controversy or question was raised—the matter of fees—I ceased making reports until the matter was settled; there are some twenty odd thousand dollars in dispute between myself and the county.

Q. (By Chairman Voorhees)—Was there any between you and the State? A. Yes; Judge Depue is entitled to fees as Judge of the Court of Oyer and Terminer, and those fees should not be returned.

Q. (By Chairman Voorhees)—And the county wouldn't pay those to you? A. There is some question—they are in dispute.

Q. Then you couldn't very well make a return; I think that is definitely settled. A. I can't make a return until I know that I have a right to collect them.

Q. (By Chairman Voorhees)—Is the chariot in Essex moving along well enough so that you can make returns soon? A. Yes, sir.

Q. The part in dispute is that portion of the judge's fees which are to be paid by the county? Yes, sir.

Q. There is no trouble about that part of the fees which comes from the civil cases? A. Not on the part of the county, but there are those that are in arrears.

Q. What, members of the bar? A. I am sorry to say it, but such is the fact.

Q. (By Chairman Voorhees)—You will acquit the members of the Committee? A. Yes, sir; if they all stood in the office as the members of the Committee we would have no trouble, but under that law—if you will excuse me—it is impossible to have

settlements. In the first place, it is the practice in Essex county, and has been since I have known anything about it, some fifteen years, to charge up after the term ends from various records in the office and books, the fees that are due to the clerk and the court. In the hurry and bustle of the opening of the court we have not the time to make up the returns in the ten days that are allowed.

Q. You run one term right on until the next one begins?

A. Yes, sir.

Q. Your three terms occupy the whole year? A. Yes, sir; and the bills are not sent out until the term is finished, or sometime after the term is finished; there is no way of obliging fees to be paid in cash and the clerk getting all that he is entitled to. There are some—I don't know what to call them, whether common law or other fees, that are charged in bills of cost where there are no motions made, motions for rules and such things. If you were to charge cash those items wouldn't come in.

Q. I understand that the law is pretty plain that the clerk shall return all the fees which are charged up for the services of the judges; in other words, every motion or every order that is made. A. There is no motion fees.

Q. Well, there will be 34 cents or a dollar, or what the law may allow for the services of the judge? A. Yes, sir.

Q. Now, those are to be charged up within ten days after the close of the term and the clerk is then to remit them. A. Remit a report?

Q. Remit the funds. A. So much as he has received.

Q. It doesn't say so. A. Out of the first moneys he shall receive, the law says.

Q. That would take his fees. A. It is considered to mean fees received on account of the judges services.

Q. I don't think that construction has been put upon it by any other clerk we have heard from, Mr. Smith.

Examined by CHAIRMAN VOORHEES.

Q. No; we had one here who paid out of his own pocket \$250. The State can hardly wait for its revenues to be collected from every individual he may see fit to trust. The law allows him to get the fees in advance, and if he sees fit to trust that is his look out. A. The law doesn't mean that he should pay the fees if he doesn't receive them, as I understand it, and the law doesn't allow the clerk to collect fees in advance; now, you take, for instance, a summons is issued; it is never signed or sealed by

the clerk; it is done in the attorney's office, and the judge's name is signed to it.

Q. The clerk need not enter it until he gets his fees. *A.* Where?

Q. In the docket? *A.* There is no such book as that in law.

Q. It is called the register in some counties; the law provides expressly for it. *A.* I understand the legal records are the clerk's books; that may be entered in the clerk's book.

Q. When did your term of office expire? *A.* 1892.

Q. Then your reason that there is hurry and bustle in the office for ten days after the term is no longer the excuse? *A.* No; I was then only referring to the inability to make the returns.

Q. Have your returns all been made? *A.* No, sir.

Q. (By Senator Skirm)—Why should they not be made when you have been out of office for three years; why should your returns not be made? *A.* As I stated some time ago, the funds are in dispute, and while there are twenty-odd thousand dollars due me I didn't think it proper for me to lay out money; I am laying out sufficient amount now.

Examined by MR. CORBIN.

Q. By the record I have here I see that on the returns which you have made up to April, 1890, by your own showing, there is \$2,022.70 due the State? *A.* Yes, sir; that may be.

Q. And that you have made no returns for the September and December terms, 1890, nor for any of the three terms of 1891, nor for April and September terms of 1892, making seven terms in all that you have made no return for? *A.* That may be correct.

Q. The Comptroller furnished me these figures. Now, hasn't sufficient time elapsed to at least make a return? *A.* It has; but how could I make a return when I possibly may not be able to collect them; they may not be legal fees.

Q. Why not advise with some of your fellow county clerks; you are more in arrears than anybody else? *A.* I conducted my own office without the intervention of other clerks.

Q. I hope you will be able to conduct it without the intervention of the State. *A.* I hope so.

Q. What is the trouble about making returns? *A.* There isn't any trouble other than I have stated.

Q. (By Senator Skirm)—Then why don't you do it? *A.* That is the only reason. I intend to make the returns as soon as I can

arrange these matters, but I couldn't possibly do it sooner. The clerks ought to be permitted to charge cash.

Q. Allow me to call your attention to the fact that the Clerk in Chancery does, and that he requires every member of the bar to make a deposit with him of \$25, \$50 or \$100, according as the practice may be, which is there on deposit against the Chancellor's fees, and that we are to keep with him constantly against those fees. Why wouldn't that work just as well in Essex county?

A. Why, it might, only it is much easier for Essex county to look after the members of the bar than it would be if they were scattered all over the State. We have a more intimate knowledge of the members of the bar of a county.

Q. (By Senator Ketcham)—Clerk Wrightson last week said that some of these matters in litigation were being cleared up. That is the case? *A.* Yes, sir. It is now in the hands of the counsel for the Board of Freeholders, and I received a letter from him some two or three days ago saying that he would be able very shortly to take the matter up.

Q. (By Senator Ketcham)—And then these matters will be cleared up? *A.* Yes, sir; and the report made and the money turned into the State, less the 5 per cent.

Mr. Corbin—Mr. Chairman, I desire to open up an entirely new subject, and that is the matter of the balances of cash in the hands of the treasurer and the care and disposition of them. The law respecting the Treasurer's office, passed in 1846, will be found in the Revision under the head of "Treasury," at page 1213. By section 6 it is made the duty of the Treasurer to receive and keep the moneys of the State and disburse the same agreeably to law, and take receipts for all moneys which he shall pay, to keep accounts of expenditures and what is due the State, to superintend the collection of revenue, to direct the prosecution of delinquencies of officers of the revenue, and for debts that are due the State, to make reports and give information to either branch of the Legislature, and generally to perform all such services relative to the finances as he shall be directed to perform. By the 11th section, it is provided that the Treasurer shall, from time to time, make deposits as Treasurer in one or more of the chartered banks of this State, within three days after receiving the same, and the moneys so deposited shall be placed to his account as Treasurer. He shall always keep a bank-book, and shall

have it balanced, etc.; lay it before the Legislative Committee.

By the 19th section of the act, which is a supplement passed in 1867, it is provided that the words "Chartered banks of this State" shall be considered to include the National Banks.

By the 14th section of the act it is provided that it shall be lawful for the Treasurer, and it is hereby made his duty to loan, at the best rate of interest he can procure, not exceeding lawful interest on pledges of United States stock at a rate not above its par value as collateral security, any surplus money in the Treasury of this State, not otherwise appropriated nor already authorized to be invested by the Trustees of the School Fund, as the same shall from time to time accrue. It shall be the duty of the Treasurer to loan the same on such terms of credit as will enable him to receive the said moneys again so as to meet the demands on the Treasury. That is the act of 1846. By the Comptroller's act which was passed in 1865, the 26th section in the Revision, it is provided that the Comptroller shall countersign and register all checks, &c., and no loans shall be made by the Treasurer unless with the concurrence of the Comptroller. That is on page 1217 of the Revision. By the 25th section of the same page it is also made the duty of the Comptroller to superintend the collection of the revenue, to take general charge and supervision of the rights, interests and property of the State, and institute and direct prosecutions against delinquent officers of revenue and for just claims and debts due to the State, and to draw all the warrants on the Treasury, &c.

You will observe that this Comptroller's act to some extent supersedes the Treasurer's duties in the matter of supervision of the State's collection of revenue and the serving of its interest in these divers respects that I have mentioned. But it is clear that the acts provided for a scheme which requires constant concurrence and co-operation of the Treasurer and Comptroller. The Comptroller is the supervisor and auditor of the State, and draws his warrants, which are to be honored by the Treasurer, who is not at all relieved from his duties and watchfulness with regard to the fund of the State, but he is not the auditor.

It has come to the knowledge of the Committee, by numerous published reports that have been printed in the newspapers, that some of the funds of the State have been deposited in Burlington county and vicinity, and public charges have been made with reference to the collection of interest thereon or some sort of consideration therefor. It has seemed to counsel and to the Chairman of the Committee that it was but right that the truth should be known about it. Some very persistent and possibly serious statements have been made with reference to it, and I will therefore ask the present Treasurer and the two previous Treasurers, whose terms together cover the period which I wish to inquire about, to make their statement to the Committee, and I shall also present some other evidence with reference to it.

I have asked the Treasurer to prepare a list showing the balance in the bank at the end of the fiscal year of 1890, 1891, 1892, 1893 and 1894.

I call your attention, first, to the fact that the Treasurer has three funds in his hands: First, what is called the "State Fund" or general funds of the State, applicable to the maintenance of the State government; second, the school moneys, or what is known as the "School Fund;" and, thirdly, he has what may be known as the "Railroad Moneys," or moneys deposited with him by the railroad companies that have been incorporated, and who are required, as an earnest of their good faith, to deposit \$2,000 per mile for every mile of railroad which they intend to construct, which is from time to time returned to them. It is made the Treasurer's duty to be the custodian of that money while it is in the hands of the State, for really it is a deposit with the State in earnest of the railroad's good faith to build the road provided in their charter—of their intention to build the railroad. I will offer these statements if the Committee will receive them. The first statement, October 31st, 1890, which was the end of one of the fiscal years when Col. Toffey was the Treasurer. On that date the balance of the State account was \$433,000 deposited in the following banks:

Banks—

National State Bank, Camden.....	\$23,891 21
Farmers' National Bank, Mount Holly.....	53,249 15
Mechanics' National Bank, Trenton.....	101,560 23

First National Bank, Jersey City.....	\$66,270 80
Moorestown National Bank.....	25,592 78
Union National Bank, Mount Holly.....	26,542 88
Trenton Banking Company.....	103,195 74
Hudson County National Bank, Jersey City.....	33,526 03
	<hr/>
	\$433,831 82
State fund.....	\$433,760 87
Local tax on railroad corporations, balance.....	70 96
	<hr/>
	\$433,831 82

Then follows a statement of the School Moneys, amounting at that time to \$662,000. You understand that these balances vary greatly at different times of the year, and in different years; at that time they amounted to \$662,000, and were deposited in the following banks:

Banks—

Bordentown Banking Company.....	\$21,933 92
First National Bank, Trenton.....	6,512 58
Mechanics National Bank, Burlington.....	5,000 00
Mount Holly National Bank.....	15,000 00
Salem National Banking Company.....	10,000 00
Amwell National Bank, Lambertville.....	21,000 00
National State Bank, Elizabeth.....	10,000 00
Second National Bank, Red Bank.....	5,000 00
First National Bank, Paterson.....	50,000 00
Hunterdon County National Bank, Flemington.....	12,661 45
North Ward National Bank, Newark.....	5,000 00
Merchants National Bank, Newark.....	17,058 94
First National Bank, Vincentown.....	5,000 00
National State Bank, Camden.....	80,813 75
Mechanics Trust Company, Bergen Point.....	5,000 00
Union National Bank, Mount Holly.....	35,358 45
Second National Bank, Atlantic City.....	10,000 00
Freehold Banking Company.....	15,000 00
Swedesboro National Bank.....	5,000 00
Lambertville National Bank.....	5,000 00
Farmers and Mechanics' National Bank, Woodbury.....	15,000 00
First National Bank, Woodbury.....	5,000 00
Trenton Banking Company.....	4,210 18
New Jersey Trust and Safe Deposit Company, Camden...	22,500 00
German National Bank, Newark.....	7,500 00
The Hackensack Bank, N. J.....	4,065 00
Union Bank, Frenchtown.....	5,000 00
First National Bank, Long Branch.....	12,500 00
Atlantic City National Bank.....	7,500 00
Mechanics' National Bank, Trenton.....	19,881 82
First National Bank, Jersey City.....	91,955 85
Farmers' National Bank, Mount Holly.....	15,000 00
Tradesman's Bank, Vineland.....	5,000 00

Moorestown National Bank	\$25,705 96
First National Bank, Asbury Park.....	15,000 00
Citizens' Bank, Elizabeth.....	5,000 00
Burlington County National Bank, Medford.....	5,000 00
Broad Street National Bank, Trenton.....	8,817 11
Orange National Bank, Orange.....	7,050 63
	<hr/>
	\$662,025 64

Then is the statement of special railroad moneys, which at that time amounted to \$364,000, deposited in the following banks:

Banks—

Burlington County National Bank, Medford.....	\$9,444 42
Merchants National Bank, Newark.....	8,000 00
Bordentown Banking Company.....	6,000 00
Atlantic City National Bank.....	7,500 00
Manufacturers National Bank, Newark.....	8,000 00
Union National Bank, Mt. Holly.....	21,400 00
Bridgeton National Bank.....	17,000 00
First National Bank, Toms River.....	5,000 00
National State Bank, Newark.....	5,000 00
First National Bank, Paterson.....	5,200 00
Second National Bank, Hoboken.....	4,000 00
National State Bank, Camden.....	6,500 00
New Jersey Trust & Safe Deposit Company, Camden.....	22,000 00
Somerset County National Bank, Somerville.....	5 000 00
Third National Bank, Jersey City..	5,000 00
Mechanics National Bank, Burlington.....	1,970 09
Hudson City Bank, Jersey City.....	26,000 00
Amwell National Bank, Lambertville.....	5,000 00
State Trust & Safe Deposit Company, Passaic.....	10,000 00
Paterson National Bank.....	10,000 00
National State Bank, Elizabeth.....	10,000 00
Mount Holly National Bank.....	20,000 00
Farmers National Bank, Mount Holly.....	31,564 94
Moorestown National Bank.....	2,500 00
Burlington County Safe Deposit and Trust Co.....	9,758 32
First Nat. Bank, Jersey City.....	96,103 93
	<hr/>
	\$357,941 70
Cash on hand.....	6,295 00
	<hr/>
	\$364,236 70

I have also here a statement of the three fiscal years during Mr. Gray's term; in the State fund it was at the end of 1893, \$402,000.00, deposited as follows:

<i>Banks.</i>	1891.	1892.	1893.
N. Ward Nat. Bank, Newark...	\$12,008 05	\$2,008 05	\$2,008 05
Mech. Nat. Bank, Trenton.....	181,112 42	228,718 85	278,102 89
1st Nat. Bank, J. City.....	10 02	175,771 01	16,683 29

<i>Banks—</i>	1891.	1892.	1893.
Essex Co. Nat. Bank, Newark..	\$158,652 72	\$185,547 34	\$57,920 29
Second Nat. Bank, Newark....	10,000 00	2,500 00	2,500 00
Farmers Nat. Bank, Mt. Holly..	13,249 15	3,249 15	3,249 15
Trenton Banking Co.....	94	94	94
Hunterdon Co. Nat. Bank, Flemington.....	5,000 00	5,000 00	.....
Union Nat. Bank, Mt. Holly...	11,542 88	1,542 88	1,542 88
Moorestown Nat. Bank.....	10,592 78	592 78	592 78
First Nat. Bank, Manasquan... ..	.....	14,770 15	.....
German Nat. Bank, Newark... ..	.....	.....	11,289 85
	<hr/>	<hr/>	<hr/>
	\$402,168 96	\$619,701 15	\$724,038 12
	Oct. 31, '91.	Oct. 31, '92.	Oct. 31, '93.

Then follows a list of the balances of the School Fund for the same years during Mr. Gray's term :

<i>Banks—</i>	1891.	1892.	1893.
First Nat. Bank, Jersey City..	\$401,303 10	\$161,303 10	\$66,303 10
Mech. Nat. Bank, Trenton....	58,467 27	79,895 02	62,581 14
Farmers' Nat. Bank, Mount Holly.....	5,000 00	5,000 00	5,000 00
Moorestown Nat. Bank.....	5,705 96	5,705 96	5,705 96
Union Nat. Bank, Mt. Holly..	5,358 45	5,358 45	5,358 45
Citizens' Bank, Elizabeth.....	5,000 00	.....	.....
Bordentown Banking Co.....	.....	9,000 00	9,000 00
Essex Co. Nat. Bank, Newark, .....	.....	30,372 34	95,922 34
Union Nat. Bank, French- town.....	.....	5,339 13	5,339 13
	<hr/>	<hr/>	<hr/>
	\$480,834 78	\$321,974 00	\$255,210 12
	Oct. 31, 1891.	Oct. 31, 1892.	Oct. 31, 1893.

The special railroad moneys amounted in 1891, in Mr. Gray's term, to \$382,000, as follows :

<i>Banks—</i>	1891.	1892.	1893.
Bordentown Banking Co.....	\$6,000 00	.....	.....
Union Nat. Bank, Mt. Holly,	21,400 00	\$21,400 00	\$21,400 00
Bridgeton Nat. Bank.....	7,000 00	.....	.....
Nat. State Bank, Camden.....	834 51	.....	25,000 00
N. J. Trust and Safe Deposit Co., Camden.....	12,000 00	12,000 00	12,000 00
Amwell Nat. Bank, Lambert- ville.....	5,000 00	.....	.....
People's Bank and Trust Com- pany, Passaic.....	10,000 00	18,000 00	38,000 00
Paterson Nat. Bank, Paterson	10,000 00	.....	.....
National State Bank, Eliza- beth	10,000 00	.....	.....
Mt. Holly Nat. Bank.....	32,000 00	23,000 00	23,000 00
Farmers' Nat. Bank, Mt. Holly.....	22,064 94	22,064 94	22,064 94
Moorestown Nat. Bank.....	17,700 00	16,100 00	16,100 00

<i>Banks—</i>	1891.	1892.	1893.
Burlington County Safe Deposit and Trust Company...	\$12,053 23	\$10,053 23	\$10,053 23
First Nat. Bank, Jersey City..	119,103 93	102,118 44	133,379 56
State Banking Company, Newark.....	20,333 33	20,333 33	.....
Merchants' Nat. Bank, New- ark.....	20,000 00	10,000 00	10,000 00
Nat. State Bank, Newark.....	10,000 00	2,000 00	2,000 00
Bloomsbury Nat. Bank.....	5,000 00	5,000 00	5,000 00
Manf. Nat. Bank, Newark.....	13,600 00	9,000 00	9,000 00
Essex County Nat. Bank, Newark.....	28,566 00	150,842 00	145,394 00
Citizens' Bank, Elizabeth.....	.....	12,000 00	12,000 00
Newark City Nat. Bank, Newark.....	.....	.....	10,000 00
	<u>\$382,655 94</u>	<u>\$433,911 94</u>	<u>\$494,391 73</u>
	Oct. 31, 1891.	Oct. 31, 1892.	Oct. 31, 1893.

And finally the statement for November 1, last, of the present Treasurer; his balance is \$218,000 deposited in the following banks :

First National Bank, Jersey City.....	\$16,303 10
Mechanics National Bank.....	95,578 92
Essex County National Bank, Newark.....	55,922 34
Farmers National Bank, Mt. Holly.....	5,000 00
Union National Bank, Mt. Holly.....	5,358 45
Moorestown National Bank.....	5,705 69
Union National Bank, Frenchtown.....	10,339 13
Bordentown Banking Company.....	9,000 00
Lakewood Trust Company.....	5,000 00
First National Bank, Clinton.....	5,000 00
First National Bank, Cranbury.....	5,000 00
	<u>\$218,207 90</u>

That is the School Fund; and the State Fund is deposited as follows:

Mechanics National Bank, Trenton.....	\$367,195 89
Trenton Banking Company.....	56,068 32
First National Bank, Jersey City.....	71,788 34
Essex County National Bank, Newark.....	27,920 29
German National Bank, Newark.....	208,751 63
National State Bank, Newark.....	20,000 00
Farmers National Bank, Mt. Holly.....	3,249 15
Union National Bank, Mt. Holly.....	1,542 88
Orange National Bank, Orange.....	25,000 00
National State Bank, Elizabeth.....	25,000 00
First National Bank, Elizabeth.....	10,000 00
Moorestown National Bank, Moorestown.....	592 78
First National Bank, Paterson.....	25,000 00
First National Bank, Hightstown.....	5,000 00

Second National Bank, Paterson.....	\$14,508 05
Paterson National Bank, Paterson.....	10,000 00
Broad Street National Bank, Trenton.....	15,000 00
Mechanics National Bank, Burlington.....	10,238 58
Millville National Bank, Millville.....	5,000 00
Hunterdon County National Bank, Flemington.....	10,000 00
Salem National Banking Company, Salem.....	5,000 00
Farmers and Mechanics National Bank, Woodbury.....	5,000 00
National State Bank, Camden.....	25,000 00
Burlington County National Bank, Medford.....	10,000 00
Merchants National Bank, Newark.....	10,000 00
Second National Bank, Somerville.....	5,000 00
Sussex National Bank, Newton.....	10,000 00
First National Bank, Bound Brook.....	5,000 00
	<hr/>
	\$986,855 91

And lastly, the State Treasurer's balances of the special Railroad account, which amounted to \$468,000, and the same as the year before, deposited as follows :

First National Bank, Jersey City.....	\$25,307 06
German National Bank, Newark.....	93,732 30
Merchants National Bank, Newark.....	20,000 00
Manufacturers National Bank Newark.....	20,000 00
Newark City National Bank, Newark.....	20 000 00
Essex County National Bank, Newark.....	6,652 50
National State Bank, Newark (add \$25,000 Nov., '94).....	2,000 00
Mt. Holly National Bank, Mt. Holly.....	23,000 00
Farmers' National Bank, Mt. Holly.....	22,064 94
Union National Bank, Mt. Holly.....	21,400 00
National State Bank, Camden.....	13,000 00
New Jersey Trust & Safe Deposit Company, Camden.....	12,000 00
Camden National Bank, Camden.....	10,000 00
First National Bank, Camden.....	10,000 00
Peoples Bank & Trust Company, Passaic.....	12,000 00
Moorestown National Bank, Moorestown.....	16,100 00
Burlington County Safe Deposit and Trust Company.....	10,053 23
Citizens Bank, Elizabeth.....	10,000 00
Millville National Bank, Millville.....	10,000 00
Atlantic City National Bank, Atlantic City.....	10,000 00
Second National Bank, Atlantic City.....	5,000 00
Union National Bank, Atlantic City.....	5,000 00
First National Bank, Plainfield.....	10,000 00
National Union Bank, Dover.....	10,000 00
Bloomsbury National Bank, Newton.....	5,000 00
Phillipsburg National Bank, Phillipsburg.....	5,000 00
Salem National Banking Company, Salem.....	5,000 00
Farmers and Mechanics National Bank, Woodbury.....	5,000 00
First National Bank, Trenton.....	25,000 00
First National Bank, Paterson.....	14,000 00
	<hr/>
	\$468,310 03

Chairman Voorhees—Is there any means of knowing how these deposits vary at different times during the year?

Mr. Corbin—Yes, sir; I understand that a sheet could be drawn off showing the balance on every day in the year; it is only a matter of getting up the figures.

Chairman Voorhees—I ask that in view of the 14th section, which I trust you will comment on, “That it shall and may be lawful for the treasurer of this State, and it is hereby made his duty, to loan at the best rate of interest he can procure, not exceeding lawful interest, on the pledge of United States stock, at a rate not above its par value as collateral security, any surplus money in the treasury of this State not otherwise appropriated, nor already authorized to be invested by the trustees of the school fund, as the same shall from time to time accrue; and it shall be the duty of the treasurer to loan the same on such terms of credit as will enable him to receive said money again, so as to meet the demands on the treasury.”

Mr. Corbin—I shall recur to that matter. I suppose at times the State has been a borrower and could not be a lender, and at times some of these balances have been made up of borrowed money; perhaps not within the last four years, but certainly before that.

Chairman Voorhees—Has it since 1888?

Mr. Corbin—I will ask that of the witnesses.

Senator Skirm—Senator Voorhees suggests that the balance is never less than \$200,000; he puts the figures very low, because the railroad money alone is between \$275,000 and \$325,000; there is from \$500,000 to \$900,000 lying in the State all the time.

Mr. Corbin—That money belongs to the railroads and would never belong to the State unless it were forfeited to the State, and, I suppose, if that money is to be used or loaned it should be a matter of direct legislation to authorize it; I suppose the Treasurer would hesitate to make a loan of that money, perhaps, without legislative authority.

Chairman Voorhees—He is simply the custodian of it; I don't think he would be authorized to do it.

Senator Skirm—Yet it is on hand and subject to the control of the Treasurer; anywhere from \$500,000 to

\$1,000,000 has been deposited in the different banks for the last four years.

JOHN J. TOFFEY, sworn.

Examined by MR. CORBIN.

Q. You were Treasurer of this State? A. Yes, sir.

Q. During what years? A. From 1885 to 1891, six years.

Q. During your term was the State a borrower of money? A. Yes, sir, a borrower.

Q. During all your six years? A. No, sir, not all the time.

Q. During what years did you have to borrow? A. I would have to look at the State Treasurer's report; I think it was about 1888, in the latter part of 1888.

Q. Was it only for a single year? A. No, sir; they extended over and we left an inheritance to my successor to pay up; I think it was about \$350,000 borrowed.

Q. After you began to borrow were you always in debt or were there times when your debts were all paid off? A. Well, previous to that borrowing we had no occasion to borrow.

Q. But after you commenced to borrow were you all the time in debt, or did you get out of debt? A. If you call these loans a debt, yes, sir; we were in debt.

Q. These loans were, after you made the first one, continuous, were they? A. Yes, sir.

Q. You never got entirely out of debt? A. I think I left a loan when I retired from the office.

Q. Then the State was a borrower from 1888 to 1891? A. I think so.

Q. The last three years of your service? A. I wouldn't be positive about that, but I think so.

Q. How great a sum did these loans amount to? A. I think the highest was \$400,000.

Q. And it was some \$350,000 when you relinquished the office? A. Yes; I think we paid \$50,000 before I went.

Q. What rates of interest did the State pay? A. Four per cent.

Q. Uniformly that? A. Yes, sir.

Q. This, I suppose, was entirely for the State Fund? A. Entirely so.

Q. The other funds were well supplied? A. Well supplied; yes.

Q. And did you carry a balance in the School Fund? A. Yes, sir.

Q. How great were those usually? A. Well, you have got them here on the returns; I don't remember now.

Q. These that I have are only for the 31st of October. A. Yes, sir; that was the close of our fiscal year.

Q. Are the balances large or small at that time of year? A. Well, there is no particular difference, one part of the year from another; it is my duty, particularly in the School Fund, to report to the Trustees of the School Fund all balances, and if they see fit to loan the money they do so; I attend the meetings—I wasn't a member of the Board of Trustees of the School Fund, but I would attend their meetings and report the balances.

Q. Speaking of the loaning of money, you mean making permanent investments? A. Yes, sir; government, or whatever the school trustees wanted.

Q. Were any temporary loans made out of that fund during your term, on call or otherwise? A. Not to my recollection; no, sir.

Q. How large a balance did they carry in the way of cash? A. I never carried any cash; I deposited it.

Q. How large a bank balance for School Fund were they accustomed to carry? A. Well, it would depend; sometimes investments would be paid off and my balance would be very large; other times we would loan it and it would be small; the records will show; I couldn't tell you from memory.

Q. But they never made any temporary loans? A. Not to my knowledge; no, sir.

Q. Were any temporary loans ever made during your term of the State funds? A. No, sir; never.

Q. Were any of the railroad moneys? A. No, sir.

Q. Did the subject ever come up for consideration whether you should make temporary loans of the State's money? A. Never.

Q. It wasn't done at all during your six years? A. Never; no, sir.

Q. Was the section of the law which I have read, with reference to the lending of the State's moneys, ever brought up for consideration? A. No, sir; I never knew of it until I heard you speak of it.

Q. You selected the banks, did you not, in which the funds of the State were deposited? A. I did, sir.

Q. Do you remember the selection of some Burlington county bank, or banks in that part of the State, in which funds were deposited? A. I remember some of them, yes, sir.

Q. How came they to be designated? A. Well, I can't tell you; I probably have been requested—I would like to say to

the Committee right here that I was very careful in selecting the depository of the State money; I never would deposit a dollar in any bank until I had first examined, through a financial friend of mine, the condition of these banks, and if I found them sound I would deposit, sometimes upon request of different parties; I divided them all over the State, as nearly equal as I could.

Q. (By Chairman Voorhees)—Senators and representatives would see you sometimes, wouldn't they? A. Yes, sir; that is about so; but before I would grant their request I had a friend who would show me the Comptroller of the Currency report, and he would advise me whether it would do to deposit in those banks or not, and I usually took his advice upon reading those things; I never lost a dollar during my term.

Q. You made no mistakes in the selection of the banks? A. No, sir.

Q. There was never any trouble? A. Never.

Q. No doubt you have seen the newspaper reports relative to the consideration paid for moneys deposited in Burlington county? A. I have read them.

Q. Was anything ever paid to the State? A. Never.

Q. Was anything ever paid to you? A. Never, sir.

Q. Are you aware that anything was ever paid to anybody? A. Never, sir.

Q. Did you have any knowledge of it until you saw it in these newspaper prints lately? A. No, sir; I never requested or exacted from a bank any interest, or I never received any nor authorized anybody to do it for me.

Q. You were not aware that it had been done? A. I was not aware of it, sir, at all.

Witness—Will you allow me, before I retire, to make a statement?

Chairman Voorhees—Certainly, it is only fair.

Witness—It isn't in regard to this matter, but in regard to another matter that has been brought before you. I have noticed my name being incidentally brought before this Committee in regard to the payment of bills of Mr. Ford; I would like to make a statement if you will allow me.

Chairman Voorhees—You are at liberty to do so. It is only fair to say this to you, Col. Toffey, or anybody else that may be brought here, I can assure that so far as the counsel of the Committee is concerned, he doesn't want to do anybody an injustice; naturally these proceedings are somewhat one-sided, and names are

brought out and in the present state of the public mind it may be that wrong conclusions are formed by the public. Now, so far as counsel is concerned and so far as the members of this Committee are concerned, they are perfectly willing that any one whose name is mentioned should have an opportunity to explain.

Witness—This is entirely foreign to the subject you are now on, but this is the first opportunity I have had to be before you, and my name has been brought up incidentally in regard to the payment of certain bills directed by Mr. Ford. I want to state that during three or four years of my term I was Custodian of the State House by virtue of my office as State Treasurer. I endeavored to protect the State in every manner possible, and I kept my expenses down to the lowest figure.

When Mr. Ford was appointed by the Legislature as a State officer, he came here appointed by Governor Green and gave his bonds as a State officer. He contracted certain bills; I was very careful in approving those bills. He would buy, for instance, coal; I would go to my engineer and find out if the coal had arrived; if it was satisfactory I would get his approval on those bills, and I would also approve them and they went to the Comptroller for his warrant; so it was with lumber and in every way. I called Mr. Ford's attention at one time that he was running up his State House expenses a little above the ordinary figure. I want to say, also, that when he came in the natural increase for State House expenses ought to have been considerable more; there was a larger building, it took more coal to heat it, it took more labor to keep the House in order; I didn't measure the lumber, I didn't bring experts here to see if the painting was done, but I used my best judgment in approving those bills. I want to make that statement here before the Committee.

Senator Skirm—Nobody questions that in this Committee at all.

Q. How much, in your judgment, ought the State House expenses to be augmented by reason of these enlargements? A. Well, I should judge, I don't know—my expenses used to run from \$18,000 to \$25,000; I should judge that on account of the increase here that \$40,000 ought to pay the expense of the State House.

Q. You think that \$40,000 would be a sufficient appropriation ?

A. I think so ; that is simply a guess ; I don't know what.

Q. You are aware that recently they have run as high as \$71,000, are you not ? A. Yes, sir ; so I have seen by the State Treasurer's report.

Q. You think that is excessive ? A. Rather ; yes, sir.

Q. (By Chairman Voorhees)—One of the criticisms upon you has been that you snooped around too much, it was too hard to get things out of you ? A. I am very glad to hear that, sir.

GEORGE R. GRAY, sworn.

Examined by MR. CORBIN.

Q. You were the Treasurer of this State during what years ? A. From March, 1891, till April, 1894.

Mr. Toffey—Will you allow me one correction ; you asked me a question which I want to rectify ; we did occasionally make loans to the Sinking Fund of the State, which I neglected to state here ; my attention has been called to it by the Comptroller, that I made an error.

Mr. Corbin—Did the Sinking Fund pay you any interest ?

Mr. Toffey—No.

Mr. Corbin—That lending of money temporarily to the Sinking Fund to meet its requirements, really then saved the State the necessity of borrowing moneys outside for the Sinking Fund ?

Mr. Toffey—That is the way I understand it ; yes, sir.

Q. Mr. Gray, when you came into the office, the State Fund was a borrower, was it not ? A. Yes, sir.

Q. To the extent of—A. \$350,000.

Q. How long did the State Fund continue to be a borrower ? A. Until we received the direct tax from the Government, which, I think, was within two or three months afterwards—\$382,000 we received from the Government ; we took that money and paid the debt.

Q. Were you ever a borrower after that ? A. Never.

Q. And you always had a balance in all your other funds after that time ? A. Yes, sir.

Did you ever make any temporary loans out of the State funds ? A. No, sir.

Q. Did you out of the School Fund ? A. Never.

Q. Nor yet from the railroad money ? A. Never.

Q. Did the subject of loaning the State's balances under this act of 1846, of which I have read, ever come up while you were in office? A. Not till this morning; no, sir.

Q. And the State usually had a pretty comfortable balance in all its accounts, did it not, during your term? A. Very good.

Q. And you left it so? A. Yes, sir.

Q. (By Chairman Voorhees)—In fairness to Mr. Gray, he simply followed the custom that had theretofore prevailed for years? A. Yes, sir.

By Senator Skirm—And was exceedingly careful where he put it.

Q. You designated the banks in which the State's money was deposited? A. Yes, sir.

Q. Did you ever make a mistake and get into a bank that broke? A. No, sir; got it out before they did.

Q. The State has had no trouble with its balances during your time? A. No, sir; none whatever.

Q. Did you make deposits in some of the Burlington county banks? A. I never made a deposit in Burlington county, except in the bank—

Q. Did you continue the balance there? A. I continued the balance that I found there, but I never added to them; I left them there.

Q. In one instance? A. I think the Bordentown Banking Company—I drew it all out at one time; I think the records will show, though I haven't looked it up, but in a few months after it was drawn out they came to me and said they had always had a bank account from the State, and I redeposited; that was the only bank in Burlington county I ever deposited a dollar in, I think.

Q. Did you ever receive any interest from any of the banks? A. None whatever.

Q. Or did you receive any compensation from the banks or their officers? A. None whatever.

Q. For leaving your funds with them? A. None whatever.

Q. (By Chairman Voorhees)—Or authorize any one else? A. Never authorized anybody.

Q. Are you sure that that wasn't done? A. Never, sir.

Q. Did you ever ask interest from any bank or from any of their officers? A. Never, sir.

GEORGE B. SWAIN, SWORN.

Examined by MR. CORBIN.

Q. You are the Treasurer of this State? A. Yes, sir.

Q. And when did your term of office begin? A. On the first of April a year ago, sir, 1894.

Q. You have designated the banks in which the funds of the State have been kept during your term? A. Yes, sir.

Q. You continued some of the balances? A. A great many of them.

Q. And opened new ones? A. Yes, sir.

Q. You have had some of your balances in Burlington county? A. Yes, sir.

Q. Have you opened new ones there or continued the ones you found? A. I believe I have continued all those I found and, I think, only opened one, the bank in Burlington county of which Captain Haines is treasurer, and there may possibly be another one.

Q. Did you ever receive any interest from any of the banks on deposits of the State? A. No, sir.

Q. Did you ever ask any? A. No, sir.

Q. Did you authorize anybody to ask or receive any? A. No, sir.

Q. And were you aware that any money had been paid by any of these banks or their officers in consideration of making deposits with them? A. No, sir, I wasn't aware of it.

Q. The State has not been a borrower since you have been Treasurer, has it? A. No, sir, not at all.

Q. And all these three different funds had sufficient money? A. Yes, sir.

Q. Have the balances, as a rule, been as great as they are now, during your term? A. Well, I don't remember, sir; I think, though, the balance which has been referred to at the close of the year, 31st of October, was the largest that it had ever been up to that time, and I don't think it has ever reached that since. I might say there was a little special effort made to get in everything that was due, and it is the closing of the year, and it is a time when all balances do, I think you will notice, run high during October.

Q. I was of that impression. A. I think the Colonel is mistaken; he hadn't noticed, but I understand they do.

Q. I see your State funds had a balance at that time of \$986,000? A. Yes, sir.

Q. (By Senator Skirm)—That was unusually large, was it not? A. Yes, sir.

Q. The School Fund wasn't very high, that was \$218,000 in addition? A. Yes, sir.

Q. And the railroad money, of course, remains stationary until some railroad is finished, and then some is drawn out, isn't it?

A. That is the most uncertain thing; you didn't refer to the Traction act; under that we get deposits of amounts of \$25,000, and sometimes they remain for a very short time.

Q. Isn't that \$2,000 a mile? *A.* No; under the Traction act that is \$25,000 in bulk, and as soon as they show to the satisfaction of the Treasurer they have spent that amount they are entitled to take that out, so that we may get a call for \$25,000 or \$50,000 or \$75,000 any day—we get no notice; they do call before they are entitled to the money sometimes.

Q. There has been no trouble with any of these banks or the balances since you have been in the office? *A.* No, sir; none whatever; so far, I have followed the course of my predecessors, and I have a larger number of accounts opened, but I tried to be very careful where I opened them; I am importuned by a great many, and some I am obliged to refuse.

Q. The account of the State is sought after by the banks, is it not? *A.* Yes, sir; I have had two or three that offered to pay interest; but my idea on that is that a bank can't afford at these times to pay interest.

Q. (By Chairman Voorhees)—What is the objection to the State loaning its money on call loans, with government bonds or approved municipal bonds or approved railroad bonds as collateral security? *A.* I don't know, Senator, that there is any serious objection to it; that law had never been called to my attention; I noticed it in looking over the duties of the Treasurer some months after I had been in the office, but I inquired if any loans were ever made, and I was told there had not. The only objection might be that we don't know what we are going to be called on for.

Q. You can sell a government bond to-day in fifteen minutes and you have got your cash? *A.* We sometimes have people who don't want to wait fifteen minutes for their checks.

Q. (By Chairman Voorhees)—You stand off a good many fellows longer than that? *A.* Not many.

Q. (By Senator Skirm)—Isn't it customary, from your knowledge of the banks in New Jersey and other places, to pay one or two or three per cent. on deposits? *A.* Yes, sir.

Q. (By Senator Skirm)—Aren't there some banks in the State that do that? *A.* In New Jersey?

Q. In New Jersey? *A.* Yes, sir; they do for certain amounts, but I think for any large amount it wouldn't pay very good, and

the banks that are the most willing to pay and would be the most liberal, some are not the strongest.

Mr. Corbin—The act to which I called attention limits the security upon which money shall be loaned to United States stock.

Q. (By Chairman Voorhees)—Can you tell us in a general way what is the average monthly amount of moneys to the credit of the State? A. Well, I didn't know what information was wanted of me and I haven't looked over that; these papers show how it runs.

Q. (By Chairman Voorhees)—I thought possibly your general knowledge of the detail of the office— A. I think what has been suggested, perhaps from \$500,000 upwards; this special railroad fund, it is questionable whether that is a fund—

Q. (By Chairman Voorhees)—You are simply custodian of that.

Mr. Corbin—I have some figures here which will give a little of the balances, for instance, March 31, 1894, when Mr. Gray turned over the office to Mr. Swain, the balances are as follows: In the State Fund, \$333,000; in the School Fund, \$137,000, and in the Special Railroad Fund, \$437,000. You observe that the balances at that time of the year were considerably less than they were six or eight months before.

Witness—Yes, probaby that is low-water mark.

Q. (By Chairman Voorhees)—What is low-water mark?

Mr. Corbin—\$333,000 in the State Fund, \$137,000 in the School Fund, and \$437,000 in the Railroad Fund—about \$900,000.

Q. (By Senator Skirm)—Isn't it a fact that between the 31st of October and say the first day of March or April, aren't the items run down by a large expenditure? A. Yes, sir, I think so; my experience is limited, but I should say so; it has been so during the past year.

JOSEPH L. HULME, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Mount Holly.

Q. And are you employed in the office of the State Treasurer? A. Yes, sir.

Q. In what capacity? A. As clerk.

Q. How long have you been employed there? A. Since January, 1886.

Q. You have heard these statements which have been made in the papers, no doubt, with reference to the bank balances in certain banks of the county of Burlington, with which your name has been connected? A. Yes, sir.

Q. How came the moneys of the State to be deposited in these banks in the first place, was your influence in it? A. Yes, sir; not in the first place, because the Burlington county banks from almost time immemorial have been receiving State deposits, so many of the Treasurers were from Burlington.

Q. Did you at any period solicit the State Treasurer to make their deposits in Burlington county? A. Yes, sir.

Q. When? A. Pretty much all the time I was in the office.

Q. And beginning when you came there? A. Soon after.

Q. And deposits were made accordingly? A. Yes, sir.

Q. And they continued to be made up to the present time? The balances are continued to the present time? A. The balances are continued; of course deposits were made and drawn as required, by the State.

Q. Those accounts are not active accounts, are they? A. Subject to draft at any moment.

Q. Of course, but as a matter of practice, the Treasurer has a few accounts on which he makes his drafts and leaves the others untouched? A. Practically only one, the Mechanics' Bank, in Trenton.

Q. And each Treasurer has for State funds one active account? A. Yes, sir; Mr. Toffey used to have two practically active accounts; that is, the First National Bank of Jersey City and the Trenton Bank.

Q. And the other accounts really remain undisturbed for long periods of time, weeks? A. Frequently do.

Q. Until the necessities of the treasury require some draft? A. Yes, sir.

Q. And then when you draw upon them it is really to replenish your active account? A. Yes, sir.

Q. And you pay your bills right out of your active account? A. Yes, sir.

Q. That is one of the Trenton banks, usually, is it not? A. Mechanics National Bank of Trenton, at the present time.

Q. How came you to solicit the Treasurer to make further deposits in these banks; were you solicited to do so by the bank? A. Largely by these gentlemen being all my personal friends, I was frequently asked, "Can't you give us another deposit?"

Q. That is a common thing for the Treasurer to be solicited to do? A. Yes sir, from all over the State.

Q. Now, Mr. Hulme, just state in your own way what arrangement was made, if any, by you, with reference to payments being made by these banks or their officers, and what payments, if any, were made: how did the thing begin? *A.* It began by my noticing an advertisement in the Mount Holly papers that they would pay interest on deposits.

Q. What year was that? *A.* In 1890 I think, and as there were certain parties in Burlington county who had been making a very vigorous war upon me in every respect, I was looking around for means to meet it, and it struck me that perhaps I might be able to get some assistance in that direction, and in inquiry of some of the parties connected with those institutions I found they were willing to compensate me for my trouble and expense or influence, any that I might bring to bear, and they did so.

Q. And you did obtain, then, sums of money from the officers of these Burlington county banks in which you influenced deposits to be made? *A.* Yes, sir.

Q. How was the amount arrived at, by a percentage or— *A.* Well, I suppose they fixed it on a percentage or so understood; my idea always was that whatever I received was received for my personal services and for political purposes.

Q. Well, were they given to understand that? *A.* I think they pretty generally understood that.

Q. The money was given to you personally, was it? *A.* Given to me personally, to do just what I pleased with, and I want to say now, that no State officer, no State Treasurer, had any knowledge of it or ever derived any benefit from it.

Q. Well, as long as you have volunteered that, what was done with the money? *A.* I used it for purposes which I thought was best.

Q. (By Senator Skirm)—For your own personal advantage, by your statement a moment ago? *A.* Political.

Q. (By Senator Skirm)—That you wanted to get even with somebody, therefore you took that means to do it; is that the way I understand it? *A.* No, that is not altogether correct: I wanted to take care of myself without getting even with anybody else.

Q. (By Senator Skirm)—What position did you occupy in the State Treasurer's office? *A.* As a clerk.

Q. By Senator Skirm—Do you think you had a right to take money on that line? *A.* I didn't see any particular reason why I shouldn't, in a political sense.

Q. (By Senator Skirm)—What is the difference between

political and business? A. Well, that is a question; I suppose that is for judgment.

Q. (By Senator Skirm)—Did you think you had a right to take it, money that belonged to the State, to use for your political advantage? A. Well, most all the deposits, Senator, are made first, for the safety of the money, and then to oblige your friends afterwards where it possible to do it.

Q. But they pay nothing for that? A. Yes, sir.

Q. (By Senator Skirm)—Are you now employed in the State Treasurer's office? A. Yes, sir.

Q. (By Senator Skirm)—Are you still continuing that custom of making political assessments and contributions? A. No, sir; I am not.

Q. These payments that were made to you were understood between you and the people from whom you received them to be for political purposes? A. That was my understanding; I think most of them understood it that way.

Q. And the money was used for political purposes? A. Yes, sir.

Q. In the annual campaigns? A. Yes, sir.

Q. (By Senator Skirm)—Who dispensed that money? A. I did.

Q. Can you tell about how much per annum that amounted to? A. Well, I think on an average between \$2,000 and \$3,000.

Q. From the year 1890 up to what year? A. I think so; from 1890 to 1893-94.

Q. (By Senator Skirm)—Be specific about your dates, please; was it in the years 1891, 1892, 1893 and 1894? A. In the four years, I think it was.

Senator Skirm—The reason I asked him whether it was 1891, '2, '3-4 was because there were two State Treasurers in the meantime, and I want to know who he was responsible to, Gray or Swain.

Q. (By Chairman Voorhees)—Were any of the moneys received by Treasurer Gray deposited by you and a commission received? A. Mr. Gray didn't deposit any moneys during his term in Burlington county except in Bordentown, for which there was nothing received that I know.

Q. I call your attention to some of the Burlington banks who have the State funds, for instance, the Mount Holly Union bank; was that one of those with whom you had such an arrangement? A. Yes, sir.

Q. With whom did you deal in that case? A. Mr. Tomlinson, the cashier.

Q. Was he the only person connected with the bank with whom you had your negotiations? A. Yes, sir.

Q. And he made his contribution annually in the way you have said? A. Yes, sir.

Q. In cash? A. Yes, sir.

Q. The Mount Holly National Bank; was that one of them? A. Yes, sir.

Q. With whom did you negotiate in that case? A. Mr. Lee.

Q. Mr. Benjamin F. Lee, cashier? A. Yes, sir.

Q. Did you see anyone else? A. I did not.

Q. He contributed in the same way? A. Yes, sir.

Q. How frequently did these gentlemen contribute? A. Well, I think some once a month and some three months.

Q. (By Senator Skirm)—That was all for political purposes was it? A. Yes, sir.

Q. The money was handed to you personally? A. Handed to me personally.

Q. The Burlington Bank, of Burlington, was that one of them? A. No, sir.

Q. There was nothing of the sort with that bank? A. You mean the Mechanics' National Bank?

Q. The name given to me was Nathan Haines? A. Yes, sir.

Q. What was the name of that bank? A. Mechanics' National Bank.

Q. There was no such arrangement, then, with that bank? A. No, sir.

Q. No such contributions were made? A. No, sir.

Q. The Moorestown Safe Deposit and Trust Company, was that one? A. Yes, sir.

Q. And with whom did you confer in that case? A. Mr. Paul, one of the directors.

Q. And it was he who handed you the money? A. No, the cashier, Mr. Stokes.

Q. Was Mr. Burr the former cashier? A. No, simply clerk.

Q. The Farmers' National Bank of Mount Holly was one? A. Yes, sir.

Q. And with whom did you deal in that case? A. Cashier.

Q. What is his name? A. Isaac P. Goldsmith.

Q. And did Mr. Davis, the cashier, have to do with it? A. I think after Mr. Goldsmith's death Mr. Davis continued.

Q. When did Mr. Goldsmith die? A. I don't know; perhaps two years ago; I don't remember as to that.

Q. This was given to you in money on each occasion? A. Yes, sir.

Q. And at the bank? A. Yes, sir.

Q. And either monthly or quarterly, as the case might be?
A. To suit their own convenience.

Q. Did you make any calculation as to the amount of those contributions, or left that to them? A. I left that to them, to take whatever they gave me.

Q. Didn't attempt to make any verification of the amount?
A. No, sir.

Q. (By Senator Skirm)—Then, that was given as a contribution, and not as a payment of interest on deposit? A. That is the way I accepted it, as a contribution; I didn't keep their books; I don't know what they charged it to.

Q. (By Senator Skirm)—How much money did you get out of it? A. Between \$2,000 and \$3,000 a year.

Q. (By Senator Skirm)—What is your salary in the Treasurer's office? A. \$1,700.

Q. (By Senator Skirm)—How long have you been in the Treasurer's office? A. Nine years.

Q. (By Senator Skirm)—Rather profitable? A. No, sir; it was not; I haven't got a dollar of it.

Q. It was all spent for political uses? A. Yes, sir.

Q. (By Chairman Voorhees)—And were the contributions made to you with that understanding? A. Principally.

Q. (By Chairman Voorhees)—That it was to be used for political purposes? A. Supposed to be.

Q. (By Senator Skirm)—So long as this matter has been so thoroughly ventilated in the newspapers, as I understand the testimony of Mr. Hulme, he received this contribution from the different banks monthly, at times, and sometimes quarterly; do I understand that? A. Yes.

Q. (By Senator Skirm)—Then did you simply use that money for political purposes all during this time? A. Not all of it during the time; I usually laid it one side.

Q. (By Senator Skirm)—And then used it in the political campaign? A. Yes, sir.

Q. (By Senator Skirm)—So as to give you power and prestige in your county? A. Well, so as to endeavor to take care of myself; I have been hounded in Burlington county by a set of people; no bloodhounds have ever pursued a man more voraciously than they have pursued me.

Q. (By Senator Skirm)—Then you thought to get even with those gentlemen it would be wise to get the State's money, and asked for personal assessments from these gentlemen, and then

use it for your personal advantage—a scheme to keep you in the State Treasurer's office; was that the idea? *A.* Partly so.

Q. (By Senator Skirm)—Have you any knowledge of any other bank in the State making contributions to other gentlemen in the State Treasurer's office? *A.* No, sir.

Q. (By Chairman Voorhees)—Do the other banks, any of them, pay interest? *A.* Not that I know of.

Q. (By Chairman Voorhees)—Or make contributions in this way to any other State officials? *A.* No.

Q. (By Senator Skirm)—Then, as I understand you, Mr. Toffey, under whom you served, or Mr. Gray, or Mr. Swain, had no knowledge of these facts? *A.* No, sir.

Q. (By Chairman Voorhees)—It was simply a little speculation on your own account of the State moneys? *A.* It wasn't State money; those gentlemen gave it to me freely and legally for any purposes I chose to use it for.

Q. (By Chairman Voorhees)—We must look at the fact just as it is; the money that was coming to you was money earned by the State money. *A.* Well, there is something in that.

Q. Isn't that so? *A.* I suppose that is true.

Q. (By Chairman Voorhees)—The money should have properly come into the State Treasury? *A.* I didn't look at it that way; there never was any understanding between me and any of those people that the State was to have any advantage of it whatever.

Q. (By Senator Skirm)—There have been for years factional differences in politics in Burlington county? *A.* That is common newspaper report and it is true.

Q. (By Senator Skirm)—You know that to be so? *A.* Yes, sir.

Q. (By Senator Skirm)—Therefore, this assessment was simply to benefit one faction against the other. *A.* No, I think not; it was used in the general election.

Q. Did you state about the percentage that this was upon the deposits, or was it any percentage? *A.* Well, I usually left that with the parties themselves to fix.

Q. (By Senator Skirm)—Then further, when these gentlemen made these contributions to you, because it apparently was not interest on the deposits, was it not clearly understood by these gentlemen that it was either for your personal benefit or political matters rather than for the benefit of the State. *A.* That is the way it was considered, it was for my personal benefit, or for any purpose I chose to use it.

Q. (By Senator Skirm)—Of course, the statements that have been made so damaging in the newspapers, it looked at first as if the banks had some knowledge of this, but they knew that that money went for your benefit or the benefit on party lines rather than for the benefit of the State, and therefore it was made on that line? A. Yes, sir.

Q. (By Senator Skirm)—As a contribution? A. Yes, sir; that is the way I accepted it.

SAMUEL TOMLINSON, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Mount Holly.

Q. What is your occupation? A. cashier of the Union National Bank.

Q. You have heard the testimony of Mr. Hulme? A. Yes, sir.

Q. Your bank, did they not, paid to Mr. Hulme certain sums of money, as he has stated? A. Yes, sir.

Q. From time to time? A. Yes, sir.

Q. How often did you pay? A. Sometimes three months, each three months, some times four; there was no set period about it; usually about three months.

Q. Did you personally make the payments? A. I did.

Q. And when did it begin? A. My recollection of it is that it was in November, 1890.

Q. And how long did it continue with your bank? A. Up till about a year ago.

Q. How did you arrive at the sums which you were to pay? A. Well, from the amounts that we were paying interest on; we paid interest on a certain line of our deposits.

Q. You figured it as you would figure interest; you figured it upon the amount of the State's balance? A. Not exactly, we didn't figure it closely to any certain limit, but approximated it.

Q. It had some reference to the amount of deposits? A. Yes, sir.

Q. And at what rate? A. Sometimes, I think it was 2 and sometimes 3 per cent.; it depended a little on the time; some seasons it was worth more than it was others.

Q. The rate which you paid was similar to the rate which you were paying for money at the time? A. No, sir; not at all.

Q. (By Chairman Voorhees)—It was a little lower always? A. Yes, usually.

Q. In order that there might be a profit to the bank? A. Yes, sir.

Q. You paid this money personally to Mr. Hulme in cash?

A. Yes, sir.

Q. (By Chairman Voorhees)—Were you reimbursed for your advances to Hulme? *A.* No, sir; not personally; the bank paid it.

Q. Did this come before the officers of the bank—the directors? *A.* No, sir.

Q. It was known, of course, to some others of the bank, besides yourself? *A.* It was, possibly, to two—two or three—I don't remember now; I conferred with them after—

Q. Did you understand what this money was being given for? *A.* Mr. Hulme told me it was for political purposes.

Q. And you so understood it? *A.* He explicitly stated at the time that the State Treasurer had no knowledge of it and no interest in it, nor got any benefit of it.

Q. It was a contribution by your bank, through Mr. Hulme, for political uses in Burlington county? *A.* Entirely so.

Q. (By Senator Skirm)—Mr. Hulme has stated the amount; it is a fair question to ask Mr. Tomlinson how much money he paid him per year? *A.* I think it was from \$600 to \$800.

Q. You carried a considerable balance? *A.* Yes, sir.

Q. It was drawn down very much after Mr. Toffey went out? *A.* Mr. Gray drew it down, I think, considerable.

Q. And it was about two per cent. or three per cent. of the amount of your balance for the time being? *A.* It was what we thought we could afford to pay for the use of the money, not to have Mr. Hulme's influence against it to draw out the money.

BENJAMIN F. LEE, sworn.

Examined by MR. CORBIN.

Q. You reside at Mount Holly? *A.* Yes, sir.

Q. What is your occupation? *A.* Cashier of the Mount Holly National Bank.

Q. Did you make a payment to Mr. Hulme, as has been testified here? *A.* I began making payments to Mr. Hulme in the summer of 1890.

Q. And continued for how long? *A.* Until a year ago last February; I haven't paid any since Mr. Swain has been State Treasurer.

Q. How often did you pay? *A.* I think about every three months.

Q. And how did you arrive at the sum that was to be paid? *A.* Well, we began to—we had about \$23,000, and I paid him on the basis of two per cent. on \$18,000, about that basis.

Q. You paid out \$360 a year? A. Between \$300 and \$400 a year; it varied sometimes; the amount wasn't always the same.

Q. Did you personally make the payment? A. Yes, sir, I personally made the payment.

Q. In cash? A. In cash; we began to pay interest on the deposits in May, 1890, of two per cent., and I suppose that is the way the thing come about; we hadn't any State fund of any account at that time—about \$5,000 I think, and what I gave Mr. Hulme was considered as compensation for his influence in getting the State deposit.

Q. Did you understand the use which was to be made of the money, that it was for political uses? A. I didn't ask him any questions; he gave us to understand that the State Treasurer and the State hadn't anything to do with it; it was a personal matter between Mr. Hulme and myself, representing the bank.

Q. He agreed to exert his influence to maintain your line of deposit? A. Our line of deposit, yes, sir; I think we paid him between \$300 and \$400 a year.

Q. Are there other of your officers and directors who are aware of it? A. I think there is one or two; it wasn't generally known; we don't itemize the different accounts that we pay interest on. We have some of \$5,000 or some of \$10,000; we put them in bulk.

Q. You charge it in the interest account? A. Yes, sir.

Q. And was it entered? A. The Bank Examiner knew the amount what we paid for it.

Q. Was it entered on the State's account as interest paid? A. No; the State got credit for the money paid, not the interest; the interest was not entered to the State credit; it was simply in the interest account.

Q. (By Senator Ketcham)—You said you stopped payment a year ago last February; why did you stop at that time? A. Well, about the time the present State Treasurer—never paid anything since.

Q. (By Senator Ketcham)—Why did you stop then? A. He has never asked for it; he has never been there; never called for it.

Q. (By Senator Ketcham)—You mean Mr. Hulme hasn't called for it? A. Mr. Hulme hasn't called for it; never asked for it.

Q. (By Senator Ketcham)—Then it was because he didn't make the request? A. I didn't volunteer it, of course.

Q. While this was charged to the interest account, as a matter of fact you knew that it didn't go to the State on account of the deposit? A. To be honest, I don't think it went to the State,

because he gave me to understand that the State Treasurer had nothing to do with it.

Q. (By Senator Skirm)—That was the legitimate place to charge it rather than to the interest account, it was the legitimate place to charge it? A. We keep an interest account.

Q. (By Senator Skirm)—Of course, it would go there as interest paid? A. Interest paid; yes sir.

Q. (By Chairman Voorhees)—Could it not have been charged to profit and loss just the same? A. Well, I suppose it could, but we charge up those things during the six months, and at the end of the six months we classify them in the profit and loss account; we do that so as to keep each account separate; the expense account and interest, different accounts—protest accounts, all these little accounts; we keep it separate, and at the end of six months charge them all into the profit and loss account.

JOHN DAVIS, affirmed.

Examined by MR. CORBIN.

Q. You reside at Mount Holly A. Yes, sir.

Q. And cashier of the Farmers' National Bank? A. Yes, sir.

Q. How long have you been cashier? A. Since August, 1893.

Q. Mr. Goldsmith, the previous cashier, died about that time?

A. Yes, sir.

Q. You have heard the testimony in regard to these payments to Mr. Hulme? A. Yes, sir.

Q. Did you make them personally since Mr. Goldsmith's death? A. No, not since his death; I made the payments personally to Mr. Hulme during Mr. Goldsmith's administration; since his death the paying teller, Mr. Colkitt, made the payments to Mr. Hulme.

Q. How often were the payments made? A. Monthly, excepting the last year; they were made then one payment of six months up to the first of November last; previous to that they were made monthly.

Q. When were the payments begun? A. They were begun in 1890.

Q. And continued until the first of November last? A. Yes, sir.

Q. How were the amounts arrived at which should be paid? A. They were based on the rate of interest on the balance.

Q. On the State's balance? A. Yes, sir.

Q. What rate of interest was paid? A. Well, that varied; I think about the first year and a half it was 3 per cent., and then

probably a year and a half, I don't just remember, $2\frac{1}{2}$, and then I think in 1893, and on up to last November, 2 per cent.

Q. How much did you pay? *A.* Well, we paid just the interest on that balance; I don't know.

Q. Do you remember about what the payments were per year? *A.* Well, you can easily tell.

Q. It was exactly the interest? *A.* Exact interest to the cent.

Q. (By Senator Skirm)—What was the balance? *A.* Well, the balance varied; the State account will show; I think probably \$150,000 at one time.

Q. It was at one time \$150,000? *A.* Yes, sir.

Q. Run down to how much? *A.* About \$30,000.

Q. It is smaller now? *A.* No; it is about \$30,000.

Q. That is about the minimum? *A.* Yes, sir.

Q. (By Senator Skirm)—Then do I understand you to say that there was a time when you were paying from $1\frac{1}{2}$ to 3 per cent. interest on a balance of \$150,000? *A.* While the balance was \$150,000 we paid 3 per cent. for it; I think that was about a year and a half, but the books will show; paid him 3 per cent. on that balance.

Mr. Corbin—October 31st, the balance of the State fund was 53,000 and odd dollars; the balance of the School Fund was \$55,000 and of the special railroad account, \$31,500.

Senator Skirm—The reason I asked that question was this: The first witness stated that he got \$3,000 a year, and that in view of this gentleman's statement that the balance was \$150,000 for a year and a half, that at 3 per cent. would amount to \$4,500 a year.

Mr. Corbin—I see in Mr. Gray's term the balance was very much reduced. The first year it was reduced to \$13,000, the State account; the second year, \$3,000; third year, \$3,000; on school moneys, it stayed at \$5,000 during the three years. The special railroad money, \$22,000, and stayed at that through the three years, so that it was \$30,000 during Mr. Gray's term, and about \$150,000 during Colonel Davis' time.

Senator Skirm—I would rather have been clerk than State Treasurer.

Mr. Corbin—It is now \$3,000 in the State Fund; \$22,000 in the Railroad Fund; and \$5,000 in the School Fund.

Q. Did you understand what purposes these payments were made for? *A.* During Mr. Goldsmith's administration the inter-

est first began on this deposit; I knew nothing about any arrangement.

Q. Do you know for what purpose Mr. Hulme collected the money? A. No, sir.

Q. Did you understand at any period of time? A. No, sir.

Q. You knew the State didn't get it? A. No, I didn't know the State didn't get it.

Q. Did you think the State did get it? A. I expected it did.

Q. The arrangement then wasn't made with you originally? A. No, sir.

Q. Did you pay it by check or cash? A. Cash.

Q. Monthly? A. Monthly up to the last year—one payment six months.

Q. Did you charge it to the interest account? A. Yes; our books will show it.

Q. The books show the exact amount? A. Yes, sir.

Q. Have you brought with you any statement of the exact amount? A. No; I didn't know that I needed that; our books will show; I can send it.

Examined by CHAIRMAN VOORHEES.

Q. Did you understand this interest money was to go to the State? A. I supposed it was to go to the State; I knew nothing about what became of it.

Q. Why, then, did you pay it to an unauthorized agent of the State; why didn't you pay it directly to the State? A. I simply paid it because it was the custom that Mr. Goldsmith established as cashier.

Q. You were simply following his steps? A. I was following instructions he had given me.

Q. How were those payments entered in the bank books; was it charged by interest, profit and loss, or credited to the State on its books? A. It was charged up to the interest account.

Q. You have a separate interest account, do you? A. Yes, sir.

Q. You paid it directly by money? A. Yes, sir.

Q. Directly to Mr. Hulme? A. Yes, sir.

Q. No check? A. No check.

Q. You followed the old custom? A. Yes, sir.

Q. A little irregular, wasn't it? A. No.

Q. Pay interest moneys by cash itself generally, do you, on accounts? A. We do.

Q. Not by check? A. Not by check.

Q. It wasn't credited up to the State account? A. No, sir.

Q. (By Senator Skirm)—Didn't you say that you thought that went to the State account; but by paying him the money, the large amount, wasn't there a suspicion in your mind that that went for political purposes? *A.* No, sir.

Q. Did you take any written receipt from him to show that you had discharged your indebtedness to him? *A.* No.

Q. Nor any receipt from the State, to whom you thought the money went? *A.* No; we pay interest on deposits and take no receipt.

Q. That is when you pay it by check? *A.* Not at all; we pay interest on deposits semi-annually and charge it to the interest account without taking any receipt from the party we pay it to. We pay interest on deposits that we have, certificates of deposit, without taking any receipt.

Q. That is right, when you pay out the certificates, yes? *A.* We don't have any voucher for that except the ticket we get for it.

Q. But in this particular State Fund account you didn't credit the State even with interest? *A.* No.

Q. Nor did you charge it with the interest when you paid it? *A.* We charged it to the interest account.

Q. Only the interest account and not the State Fund account? *A.* No.

Q. How, then, do you know, from your books, that you had paid the interest? *A.* Our books will show.

Q. Show where? *A.* In the interest account.

Q. A specific entry of interest paid to the State? *A.* Interest on the deposit.

Q. Interest on the State deposit? *A.* Yes, sir.

Q. You don't state to whom? *A.* No.

Q. You keep no account with the State, then, except as the deposits were entered there and the checks were entered that the State drew on the fund? *A.* That is all.

Q. (By Senator Skirm)—Mr. Hulme seemed to be the agent of the State Treasurer. Did you meet any other State officers during that time, or did you receive your deposits through Mr. Hulme? *A.* That arrangement was made by Mr. Goldsmith.

Q. (By Senator Skirm)—I mean when the deposits were made by the State; how were they, by checks through the mail, or did Mr. Hulme bring the deposits? *A.* Mr. Hulme, I think, brought the deposits with the book.

Q. (By Senator Skirm)—Isn't it a little strange that that amount of money, aggregating in one year \$4,500, should be

paid to Mr. Hulme for an account with the State, and not credited to the account of the State as interest? A. No; I think not.

Q. Is that the way you enter all your interest charges in all your other accounts. You have several accounts on which you allow interest? A. We have certificates which we allow interest which we do in the same manner.

Q. Well, do you have any individual private accounts on which you allow interest? A. No.

Q. It is only on this and on certificates? A. Yes, sir.

Q. Those certificates of deposit draw interest only after the funds have remained there for a considerable length of time?

A. No; the next day they can use the certificate of deposit, and we pay interest on the exact time the money has been there.

Q. The rules of your bank require that these funds, in order to entitle them to interest, shall remain a certain length of time before you allow any? A. In the first instance they do, but not after.

Q. (By Senator Skirm)—In that case, where you are paying interest on accounts, isn't it the custom to simply credit the account with the amount of interest? A. Not always.

Q. (By Senator Skirm)—But in some cases? A. In some cases.

Q. Tell me; you enter in your book certificate of deposit for \$10.042 credited with a certain sum of money, don't you? A. I don't understand that.

Q. What record do you keep of the certificates of deposit issued by you? A. We keep regular account.

Q. Regular account with the certificates of deposit? A. Yes, sir.

Q. Where do you enter the interest that those deposits make—those certificates of deposit? A. Interest account.

Q. Only in the interest account? A. That is all.

Q. You have paid the interest on a certificate of deposit to Mr. A. How do you know that he isn't entitled to receive the same amount again? A. We don't designate as Mr. A. We designate by the number.

Q. Then have you always got to hunt up whether certificate of deposit 1042 has received its interest? A. If we want to know whether it is or not.

Q. You have to look through all your books? A. We look at the number.

Q. Then don't you charge to that number the interest when it is paid? A. We charge the interest account, specifying the number, for instance, interest on certificate No. 1042.

Q. And credit what account? A. We credit no account; if we pay the cash out we don't credit any account.

WILLIAM W. STOKES, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Moorestown.

Q. What is your occupation? A. Secretary and Treasurer of the Burlington Safe Deposit and Trust Company.

Q. That is located at Moorestown? A. Moorestown.

Q. How long have you been Secretary? A. 1890, when we begun.

Q. Do you know Mr. Hulme? A. Yes, sir.

Q. Did you hear his testimony? A. Yes, sir.

Q. Did you personally make payments to him as he stated? A. Yes, sir.

Q. When did they begin? A. The latter part of 1890, I think.

Q. And continued until what time? A. October, 1894.

Q. How often did you pay? A. As often as every three or four months.

Q. Were payments made at regular intervals? A. Not regular intervals, no, sir; it might run three months, and might be four.

Q. What determined the interval; did he determine the interval? A. Mr. Hulme would come in personally to collect it.

Q. Was the money paid to him by check or in cash? A. Cash.

Q. And how was the sum arrived at? A. On the basis of 3 per cent.

Q. During the entire years you have mentioned? A. Yes, sir.

Q. Three per cent. upon the amount of the balance of the State with you? A. Yes, sir.

Q. About what did the balance of the State run at your bank, do you remember about? A. With the exceptions of two or three months I think only about \$10,000.

Q. I see October, 1894, it is 10,000 and odd dollars in the special railroad account. Did you have some of the other moneys as well? A. No; that was all.

Q. How high did your balances run? A. Well, with the exception I just stated, I don't think it was above \$10,000 at any time?

Q. I see in 1891 it was \$12,000 at one time? A. Yes, sir.

Q. Did you understand for what purpose this money was paid? A. No, sir.

Q. Was there any statement made to you by Mr. Hulme on that subject? A. No, sir.

Q. The arrangement was made between you and he? A. No, sir.

Q. Who made it with him originally? A. I expect our president.

Q. Who was that? A. William M. Paul.

Q. Is he here? A. No, sir.

Q. What did you charge this to? A. In his account.

Q. And you were aware that it did not go to the State, I suppose? A. I wasn't aware of it; no, sir.

Q. You, personally, didn't know of the arrangement by which this was paid? A. No, sir.

Q. Does anybody besides Mr. Paul know the details of it? A. No, sir.

Q. Payments made by you when you were acting under your superior officer? A. Payments were made by me as treasurer.

Q. About \$300 a year, then, that you paid? A. About.

AMOS GIBBS, affirmed.

Examined by MR. CORBIN.

Q. Where do you reside? A. Mount Holly.

Q. Are you one of the directors of the Mount Holly National Bank? A. Yes, sir.

Q. Did you hear the testimony of Mr. Hulme here to-day? A. Yes, sir.

Q. Were you aware of this arrangement between your bank and him? A. No, sir.

Q. You were not? A. No, sir.

Q. When did you first learn of it? A. When I saw it in the newspaper.

Q. Well, you were aware that your bank was paying money for interest on the State's fund? A. On certificates of deposit only.

Q. Were you not aware that you were paying upon some of the State's money that was with you? A. No, sir.

Q. Well, when the newspapers have reported that you have said that your bank has paid as much as 3 per cent. bonus, or interest, on the State deposit, it was inaccurate, was it? A. No, sir: the cashier told me so; I interviewed him.

Q. You are quoted as having said that? A. I did say it.

Q. When did you learn it? A. Since I saw the newspaper; I went and asked the cashier about it, and he told me so.

Q. Is that the first knowledge you had of money being paid on the State's deposit? A. Yes, sir; I had no idea of it.

Q. (By Chairman Voorhees)—Did you examine the books afterwards to find out whether, as a matter of fact, money had been paid? *A.* No; they admitted it; told me they had.

Q. How long ago was it that you learned it? *A.* A couple of months ago.

Q. Do you happen to know how much your bank paid? *A.* That is all by hearsay, about eighteen or twenty thousand a year, paid interest on it at 3 per cent. first and 2 per cent. afterwards.

Q. (By Senator Skirm)—You are connected with the Union National Bank? *A.* No; Mount Holly.

Q. (By Senator Skirm)—Then you don't know of your own knowledge; you do know from what the cashier may have told you, that you paid the interest on about \$20,000? *A.* I understand it was \$18,000, and \$5,000 in the active fund; they didn't pay interest on that; and \$18,000 in the other fund; 3 per cent. for the first two years and 2 per cent. after; I should imagine about \$350 or \$400.

ALFRED DORAN, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? *A.* Mount Holly.

Q. Are you one of the directors of the Mount Holly National Bank? *A.* Yes, sir.

Q. When did you first hear of this matter of interest on State deposits? *A.* About a month ago, I think; I first saw it in one of the papers.

Q. You had no knowledge of it previous to that time? *A.* No, sir.

Q. Do you know Mr. Hulme? *A.* Yes, sir.

Q. And were you not aware that the officers of the bank were paying the moneys to Mr. Hulme? *A.* I was not aware of it.

JESSE WELLS, sworn.

Examined by MR. CORBIN.

Q. You reside in Mount Holly? *A.* I do, sir.

Q. What do you know about this paying money out? *A.* I don't know anything about it.

Q. I see your name mentioned in connection with it in the newspapers; are you a director of any of these banks? *A.* No, sir; all I know is from hearsay.

Q. You have no personal knowledge of it? *A.* No, sir.

Q. You know these gentlemen who have testified? *A.* Yes, sir.

Q. And Mr. Hulme, I presume? *A.* Yes, sir.

Q. When did you first learn of this subject? *A.* Not until after it came out in the papers; Mr. Matlack came before the Committee and preferred charges.

Q. Not until after Mr. Matlack made his statement? *A.* No, sir.

HENRY RISDON, sworn.

Examined by MR. CORBIN.

Q. You reside in Mount Holly? *A.* Yes, sir.

Q. Are you a director of any of the banks there? *A.* Director of the Farmers' Bank.

Q. When did you first learn of this matter of payment on account of State deposits? *A.* About two years ago; I heard it by accident.

Q. Did it come up before your board? *A.* No; I heard it on the street; the circumstance was that I didn't attend a meeting of the board one morning, but I met a director after the meeting and asked him what they had done, and he said they didn't do anything; I knew we had a large balance, and I asked him what was the reason, he said the cashier said better not do anything, the State had called on them for \$40,000 or \$50,000; I didn't know we had any, and I asked him how was that, and he said we had about \$100,000 of State money; he is a little deaf, and so was I, and I thought he had made a mistake, and I went down to see the cashier about it; I asked him about it, and he said "yes, we have the money." I said, "how is it the matter never came before the board?" "Well," he said, "one or two directors knew of it." I told him I was opposed to anything of the kind; I didn't believe that a country bank could afford to keep such a large balance and pay interest on it. I brought the matter up before the board and talked the matter over, but that was all that was done.

Q. It was continued, was it? *A.* Yes, sir.

Q. Who was the President of your bank? *A.* Mr. Alfred Black.

Q. Was Mr. Howell one of the directors of your bank? *A.* No; he was a director of the Mount Holly.

Q. But then it was talked over by the Board and it was thought best for them not to discontinue the arrangement? *A.* Yes, I believe so.

Q. Did you understand for what purposes the moneys were paid? *A.* Well, I don't believe there was a bargain by the Board, but I supposed the State Treasurer got the money until it come out in the paper.

Q. Who made the arrangement originally on behalf of your bank. A. I believe our former cashier, Mr. Goldsmith; he died last July a year ago.

Q. (By Senator Skirm)—If the Board of Directors had supposed that the money was being used for political purposes, or a personal contribution to Mr. Hulme, would it ever have been paid by your bank? A. Of course not; every director supposed that the money was paid to the State Treasurer.

Q. (By Senator Skirm)—That is, your Board of Directors believed that the money went to the benefit of the State? A. I never heard anything to the contrary until I saw in the paper that it was paid to Mr. Hulme.

Q. (By Senator Skirm)—If you had supposed that it had been used for that purpose the bank would never have continued it?

A. No, certainly not.

JOHN R. HOWELL sworn.

Examined by MR. CORBIN.

Q. You reside in Mount Holly? A. I do.

Q. Are you director of one of the Mount Holly banks? A. The Mount Holly National Bank.

Q. You are aware that your bank was paying a bonus, or interest, on the State deposits? A. Not until a few months ago; Judge Lee told me.

Q. That is your cashier? A. Yes, sir.

Q. Did you understand the purpose of the contributions at that time? A. I supposed that it came to the State Treasurer.

Q. Do you know who made the arrangement on behalf of your bank? A. Not positively, except I have heard Judge Lee testify here this morning that he made it.

Q. Didn't your Board know of it previous to the time that you learned it? A. Not to my knowledge.

Q. Was the arrangement continued after you learned it? A. I think not; I didn't know it—I think Mr. Swain, the present Treasurer—I think there has been nothing paid since then.

Q. Nothing paid since the present Treasurer took his office? A. That is the way I understand it.

Q. Was it brought up before your Board when you learned it? A. It was not.

Q. With whom, then, did you discuss it? A. I heard Judge Lee speak of it incidentally one day after the Board meeting.

Q. It is your custom to pay interest, I suppose, in your bank. A. It is on certificates of deposit, 2 per cent.

JOSEPH L. HULME, recalled.

Examined by SENATOR SKIRM.

Q. In your statement you said that you received about \$3,000 a year, and by the statement of one gentleman here who states that you received interest of 3 per cent. for a year and a half on \$150,000— A. He is mistaken; it was only there for a few months.

Q. But even for a few months it would possibly amount to more than that? A. I think Mr. Risdon said there was a large draft on them; I think we drew out—the statement you have there is the 31st of October; I think that was largely reduced about the 1st of January.

Q. His statement was right clear and emphatic, that for a year and a half it was \$150,000; there wasn't any possibility of misunderstanding what that officer said; for this interest you got \$4,500; I want to know whether that is true? A. I did not.

Q. How much money did you receive? A. I never kept any account of it.

Q. You didn't? A. No, sir.

Q. You didn't keep an account of the money you received? A. No, sir.

Q. Why not? A. I didn't have any occasion to.

Q. You didn't? A. No, sir.

Q. And then all this money went into your pocket simply for your own use when you came into the political campaign; I understand you to say this money was spent in the fall campaign? A. Principally.

Q. That was what you had left? A. That was pretty much all of it.

Q. You mean you spent \$4,500 and \$3,000 for political purposes in the fall campaign in Burlington county? A. The books of the Treasurer's office will show.

Q. Now I ask you; you ought to know? A. I said the gentleman is mistaken as to the time—

Q. Well, you think that your receipts did not exceed \$3,000 per year? A. I think not; take the average of the four years through; that is what I am getting at.

Q. And I understood your salary in the Treasurer's office was \$1,700? A. Yes, sir.

Q. And that you have been there nine years? A. Yes, sir.

Q. Under three Treasurers? A. Yes, sir.

Q. And further, that these gentlemen had no knowledge whatever of your making this arrangement? A. None whatever; neither did they derive any benefit from it.

Q. (By Senator Ketcham)—Then you received about \$12,000, all told, in this per cent. business? A. I think some \$10,000 or \$12,000; I haven't kept any account of it; I never counted the money when they gave it to me, just put it away and used it.

Q. That is worse and worse; you mean to say that you simply went in and took what these gentlemen gave you, without knowing how much money you got? A. Practically.

Q. No; actually—not practically, but actually? A. I had a general idea how much.

Q. No, no; but do you mean to say that you received money from a bank officer without knowing how much money you received? A. I say I know pretty near.

Q. I asked you a direct question, whether you didn't know how much money you received when a bank officer paid you money, didn't you know how much you got? A. Well, now, Senator, I simply want to say to you that sometimes I counted it and sometimes I did not; sometimes it was handed to me in an envelope, sealed, but, as I said, I had a general idea.

Q. How could you account for it when you come to render a political contribution, how could you render your account? A. I didn't render any account.

Q. Then you were simply proprietor of that money? A. I dispensed it as I saw proper.

Q. Do you think that is a fair, legitimate way of running the position in the State Treasurer's office, and compromise your chief by any such means? A. I have no desire to compromise him, and did not in any way, never attempted to.

Q. Don't you see the effect of this with the community, now that this exposure has been made, that every State Treasurer while you have been employed suffers to a certain extent by it?

A. Well, I am very sorry if they do, but under the present statement of the others and myself, I can't see how they can suffer.

Q. One other question, and then I am through. Did I understand you to say that during these four years you have spent about \$3,000 for political contributions in Burlington county alone? A. Practically so.

Q. Then there must be a great deal of money spent in Burlington county? A. There generally is.

Q. The results haven't shown it. A. I think it has.

Q. On the political side it is not shown, but to me this is a sort of a heinous crime, that a man who is in a State position should simply make a levy on the men who are under his power and make assessments on this line. A. It was a mutual matter.

Q. Did these gentlemen derive any benefit from it? A. Who?

Q. The gentlemen who paid you. A. No, sir; I presume the bank did.

Q. Upon deposits, you mean? A. Yes, sir.

Adjourned till Tuesday, April 23d, 1895, at 10 A.M.

APRIL 23d, 10 A. M., 1895.

Mr. Corbin—I desire to draw the attention of the Committee to certain expenditures of the State Board of Assessors, some of which were charged to the account of that Board, and others of which appear in other State accounts, such as Printing or Stationery, or possibly other accounts. And first I wish to call the attention of the Committee to certain expenditures in connection with the printing of the annual report of the State Board of Assessors, and particularly at the outset to the printing of certain maps which the State Board of Assessors caused to be printed and published.

In the report of the Board for the year 1887, pages 25 and 26, of the printed volume, we read “That proper information on this important subject may be made more ample and definite, and that the location and extent of each road in the State may be clearly shown, the Board has had prepared under its supervision a large and complete railroad map which will accompany this report, and to which the attention of the Legislature is respectfully called.”

In the report of the year 1888, at page 20, is the following allusion to the same subject: “The map of the railroads of New Jersey, which accompanied the report last year, has been so well received that the Board concluded to adopt it as a part of this year’s report. The location and extent of each railroad and canal appear, as well as every branch line, and it has proven a valuable medium of information.”

The report for 1889, at page 17, has the following: “The map of the railroads of New Jersey, which accompanied the report of last year, has been so much in demand that the Board has concluded to adopt it (with some improvements) as a part of this year’s report.”

The report of 1890, at pages 15 and 16, has the following: “The maps of of the railroads of New Jersey which has accompanied previous reports has been re-adopted as a part of this year’s report. The plan followed in the report of 1889, the grouping of useful information under the head of each railroad company, with financial statistics, &c., has also been carried out.”

The report of 1891, page 15, has the following: "The map of the railroads of New Jersey which has accompanied previous reports has been re-adopted as a part of this year's report."

The report of 1892, page 9, has the following: "The map of the railroads of New Jersey which accompanied the report last year has been so much in demand that the Board has concluded to re-adopt it, with some improvements, as a part of this year's report."

The report of 1893, at page 12, has the following: "The map of the railroads of New Jersey which has accompanied previous reports has been greatly improved, and adopted as a part of this report."

The report for 1894 has not yet been printed, and I haven't it at hand.

The map referred to and which accompanied the report of 1887, is the map which I will exhibit to the Committee, and before I proceed further I will call a witness who will be able to identify these maps.

J. BROGNARD BETTS, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Somerville, New Jersey.

Q. What is your occupation? A. I am employed in the Department of Public Instruction.

Q. How long have you been employed there? A. Nearly twenty years.

Q. I show you a printed map entitled, "Map of the railroads of New Jersey, 1887, compiled and drawn by John T. Van Cleaf and J. Brognard Betts, copyright 1887 by Van Cleaf & Betts by authority of the State Board of Assessors of New Jersey;" did you assist to compile that map? A. I did.

Q. Look at this drawn map which I show you, and say whether that is the original from which the printed one was reduced. A. Yes, sir; it is.

Mr. Corbin—I offer in evidence first original drawn map, which will be "Exhibit 207," and also the printed map which I have shown, which will be "Exhibit 208."

Q. Who assisted you in drawing this map? A. Colonel Van Cleaf.

Q. Are you a draughtsman? A. Somewhat; I have done more or less of it.

Q. And you actually drew this map with your own hand, did you not? A. Oh, yes.

Q. Where was it done? A. Done in Somerville.

Q. What map did you take from which to make your outline of the State and topographical features? A. We had several maps; I think it was called the Smith & Stoup map.

Q. That is a Philadelphia publication? A. Yes, sir.

Q. I suppose you had the State geological maps? A. Yes, sir, and some blue-prints from the railroad companies of their lines.

Q. Did you adopt the same scale that the Smith & Stoup map had? A. I think not; I can't be sure of that; I think this is a little larger; that is my recollection of it.

Q. This is the map, is it not, referred to by the State Board of Assessors in their reports, which I have read? A. Yes, sir.

Q. Col. Van Cleef, of whom you have spoken, was the Secretary of the State Board of Assessors? A. He was.

Q. And is still? A. He is.

Q. Did you ever do any draughting or map making for the State Board of Assessors except this? A. No; oh, well, yes, we did some; we made three or four county maps, showing the location of the railroad buildings and property inside of the main stems and some property outside of the main stems.

Q. When was that? A. I think that was prior to this; that is my recollection; yes, I know it was.

Q. Where was that done? A. Somerville, most of it; one of them, I think, we completed down here, but the main work was done there.

Q. You had this map transferred to stone and printed, did you not? A. I believe we did.

Q. That was done by—? A. Thomas & Wylie.

Q. The imprint is "H. A. Thomas & Wylie, lithographers, 7 East 19th street, New York"? A. Yes, sir.

Q. That was done in time to have the maps accompany the report of 1887, I suppose? A. I don't think it was out until after the report was printed; I think the map was sent out afterwards.

Q. About the latter part of 1887 or 1888. A. About that, as near as I can recollect.

Q. I see it is stated on the map that it is copyrighted in 1887 by Van Cleef & Betts? A. We copyrighted the title before the entire map was completed.

Q. As a matter of fact the map was not completed until 1888, was it? A. It was copyrighted, but it was not completed; we copyrighted the title before the map was entirely completed, so as to save the copyright.

Q. I have from the Librarian of Congress a message, to the effect that it was copyrighted by Van Cleef & Betts in 1888? A. I may have been mistaken, but I thought I sent it out in 1887.

Q. But as soon as it was completed it was copyrighted? A. Yes, sir.

Q. You ordered an edition of this map as soon as you had it transferred to the stone? A. Yes, sir.

Q. And do you happen to remember how many copies were in that edition? A. No, I do not.

Q. Was it not six thousand? A. It was as many as that, but it was some time ago and I don't remember now.

Q. Did you ever order another edition from the Thomas & Wylie people after that? A. My impression is we did.

Q. When was it? A. I think it was the next year.

Q. Is it anything more than an impression? A. The second edition?

Q. Yes. A. I should say the second edition was the same map.

Q. That was not what I asked you; was any second order ever given to the Thomas-Wylie people for any more imprints of this map? A. Yes, sir.

Q. Have you the bills for it? A. I have not; no.

Q. Where are they? A. I don't know.

Q. Who ordered it, if it was ordered? A. Colonel Van Cleef, I think.

Q. Did you ever order any? A. I was with him when he ordered them the first time; I don't remember whether I was the second time or not.

Q. How do you know that a second edition was ever ordered? A. Well, there is a good many things, you know, that is hard to explain; I saw them about it; they delayed the work; my impression is they said they were getting it out as fast as they could.

Q. Are you speaking of the first edition now? A. No; I am speaking of the second.

Q. What year was it? A. My impression is that it was about the year after the first edition was printed.

Q. You say you went there to see them about it? A. Yes, sir.

Q. Who did you see? A. I saw different persons at different times when I was in there; I saw Mr. Wylie.

Q. How many copies did that edition consist of? A. That I don't remember.

Q. Did you ever go again for any third edition? A. Not that I recollect.

Q. Do you know whether any third one was ordered? A. I don't recollect.

Q. Personally you never paid for any of these editions, did you? A. No.

Q. Colonel Van Cleef had charge of that? A. Yes, sir.

Q. Have you the bills for any of them? A. No, sir.

Q. Can you state the dates when any of them were either ordered or paid for? A. No, I could not.

Q. When the first edition was ordered I understand you to say that you went together? A. Yes, sir.

Q. To see about them? A. Yes, sir.

Q. And when the second edition was ordered you went there once to see about them? A. My impression is we went together; I think we went together, and I think he went afterwards, and I think I made a trip alone too; there was several interviews with them to get the work along.

Q. You subsequently had this map photographed and transferred to metal, did you not? A. Yes, sir.

Q. And the scale somewhat reduced? A. The scale was somewhat reduced and corrections made, new roads put on, and so on.

Q. I show you a printed map entitled "Map of the Railroads of New Jersey, 1893 and 1894, compiled and drawn by John T. Van Cleef and J. Brognard Betts, copyright 1892, by Van Cleef and Betts; published by resolution of the State Board of Assessors." Is that the reduced photographic copy? A. It is.

Q. And was that made as indicated by the copyright in 1892? A. It was, but I don't think we ever received a copyright for it.

Q. The copyright was not in fact entered? A. No. I wrote to them, and I received no response, and the map was already printed.

Q. So that the only copyright on file is the one which was entered on the first one? A. Yes, sir.

Q. This is not in fact copyrighted then? A. No, sir.

Q. Upon this, Mr. Betts, you say you entered certain new roads which had been constructed? A. Yes, sir.

Q. For example, look at the branch near Sandy Hook where the line was changed to the Atlantic Highlands. That appears, does it not; it was not on the original? A. Yes, sir; that wasn't running over here from Mattawan to Navesink, that branch; that just run to Sandy Hook peninsula.

Q. You placed on this new map with a pen such parts of railroads as had been constructed between 1887 and 1892? A. Yes, sir.

Q. So as to bring this up to 1892? A. Yes, sir.

Mr. Corbin—I offer this map in evidence, and the same will be marked "Exhibit 209."

Witness—I think there were other changes made besides that, that is, other railroads added besides that.

Q. Those two are the only two that have ever been made, are they not? A. As far as I know; I don't recollect any other.

Q. I show you now another copy of this last printed map, with the title, "Map of the Railroads of N. J., 1894 and 1895, compiled and drawn by Van Cleef & Betts, copyright 1892." Is there any difference between these last two that I have shown you, except that the date 1893 and 1894 is changed to 1894 and 1895? A. I couldn't say; I made no changes.

Q. Well, you are not aware that any changes have been made? A. No, sir.

Q. And the maps, then, that have been published have not been brought up beyond the date 1892, have they? A. So far as I know, no.

Q. You are familiar with the new line built by the Lehigh Valley Railroad, are you not, in Hudson county? A. Yes, sir.

Q. Which runs across the Newark Bay? A. Yes, sir; reasonably so.

Q. Look at this one which is marked 1894 and 1895, and say whether that line is laid down on the map? A. No, I don't see it there.

Q. Are you familiar with the Perth Amboy and Raritan Railroad, built some three or four years ago? A. No, I am not.

Q. Are you familiar with the new branch of the Central Railroad, built from Perth Amboy up to the clay lands of Woodbridge? A. No.

Q. They are not upon this map, are they? A. I don't know; I am not familiar with them.

Mr. Corbin—I offer in evidence this map, which will be marked "Exhibit 210."

I can get from the files of the Secretary of State the file lines of those roads, but if the Committee are at all familiar with the lines they will observe that the Perth Amboy & Raritan Railroad, which has been in use for two or three years I should say, is not upon this map; and the Lehigh Valley line through Hudson county and across the Newark Bay, which has been constructed for as long, is not here. This map bears date 1894-95. I haven't gone over it further, but without examining the map closely, as may be done by comparison, of course, with the filed lines, my impression is that the witness is entirely correct when he says that since 1892 there has been nothing laid down here that has been constructed.

Witness—That is, as far as I know.

Mr. Corbin—A further examination of those filed lines will determine it of course.

Q. Do you happen to remember the cost of the making of this stone, and the printing of the first edition of these maps by the Thomas & Wylie Company? A. My impression is that the stone cost somewhere in the neighborhood of \$750, is my recollection, although I am not positive about it.

Q. Wasn't the first edition of maps six thousand copies and didn't that edition, together with the making of the stone, cost you \$650? A. Well, that I don't remember; my impression is that it was \$750, but it is some time ago and I can't recollect now.

Q. The first order you gave included the stone and the first lot of maps? A. I think it did.

Q. Have you anything in your possession to show what it cost you? A. No, I have nothing.

Q. Have you continued to be interested in this map up to the present time, or has your interest ceased? A. I haven't done anything with it or paid any attention to it in a couple of years.

Q. Nor to the revenue from it? A. No, sir; I haven't received anything from it since—

Q. You say a couple of years? A. Since the revision of 1892; that would be three years.

Q. You did in the revision of 1892? A. Yes; since that I—

Q. When the revision of 1892 was made and the first edition made from that, you had an interest in that? A. Yes, sir; I had an interest in that.

Q. Had you had an interest in all the editions that had been furnished annually before that? A. I don't remember that I received any revenue from it every year; I don't think I did; I think I got revenue three years; that is my recollection of it.

Q. And that was the revenue originally when it was made? A. Yes, sir.

Q. And you had the revenue when it was revised? A. I think I had one before that; that is my recollection.

Q. But you haven't been interested in the other years of its publication? A. No, sir, certainly not since 1892.

Q. Your interest in it grew out of the fact that you actually drew it and made it? A. I helped to draw it; we both worked on it.

Q. Did you not chiefly do the work? A. No, I wouldn't say that; I did portions of the work; I plotted the map, and the

Colonel did a good deal of the laying down of the railroads and most of the lettering; I plotted the outlines of the State, counties and townships, and he laid down a good many of the roads and did most of the lettering.

Q. I show you a voucher, No. 1520, March, 1886, John T. Van Cleef, charged to the State Assessors' account, in which is charged "draughting table, rule, &c., in use at Somerville, \$12.50, and one roll drawing paper, linen back, \$8.45;" was that the draughting table in use at Somerville for this work? *A.* I presume it was; I don't know of any other; I doubt know.

Q. So the State furnished the draughting paper and table? *A.* I presume it did; yes, sir.

Q. I show you a voucher, No. 2722, "John T. Van Cleef to the State Board of Assessors," dated June, 1886, "for freight on draughting table and cartage;" that refers to the same material, does it? *A.* I could hardly answer that.

Q. The item is this, "Freight and cartage on draughting table, 65 cents." I show you your own voucher against the State Board of Assessors in December, 1886, for \$60, "to work on county railroad maps for State Board of Assessors to October 1, 1886"; that is the county maps to which you referred? *A.* Yes, sir.

Q. And that was work that you were doing at Somerville for the Board? *A.* Yes, sir.

Q. I show you voucher—State Board, April, 1886, No. 1779, "To work on the county railroad maps, December, 1885, January, February and March, 1886." That also is for the same work on the railroad maps, isn't it? *A.* Yes, sir; on those county maps.

Senator Skirm—What do I understand? Are there two maps, or does it mean that map?

Mr. Corbin—This work the witness has said was done at Somerville, and I asked him a little while ago whether he ever did any work on the railroad maps except this work. He said yes, he did do some work for the State Board of Assessors on the county railroad maps, and these vouchers which I have put in he says refer to that work.

Witness—Refers to those county maps.

Q. (By Senator Skirm)—And not to these? *A.* Not to these; no, sir.

Q. So that, so far as this railroad map is concerned, you were doing work upon your own account during the same months, and did certain work on these county railroad maps for the State Board of Assessors? *A.* Yes, sir; most of this work was done—

very little on those done while we were at work on this; this was taken up really after the county maps were done; they were practically completed.

Q. I show you voucher 2931, July, 1886, to the State Board of Assessors, for draughting implements, \$10.71, paid by the State; was that for the material used at Somerville? A. I don't know; I had my own draughting implements; I can't tell about his; I don't know anything about that bill.

Q. (By Senator Skirm)—Don't you know whether the articles were used by you and Mr. Van Cleef? A. No; we had draughting implements there, but whether they were included in that bill I can't say.

Q. You did no draughting in Trenton? A. Well, we finished up one or two of the county maps here, but the main work was done up there.

Mr. Corbin—I offer in evidence a bill of the State of New Jersey to John T. Van Cleef, May, 1888, containing sundry items, among others the following items: "Mounting 75 roller maps, at 35 cents, \$26.25; mounting 75 book maps, at 55 cents, \$41.25," and marked "Exhibit 211."

Also voucher 1288, July, 1888, State of New Jersey to John T. Van Cleef, containing sundry items, among which are the following: "50 mounted maps book form, \$27.50; 20 mounted maps, roller form, \$7; 25 mounted railroad maps, book form, \$13.75; 25 mounted railroad maps, roller form, \$7." Marked "Exhibit 212."

Also voucher No. 3491, October, 1888, State of New Jersey to John T. Van Cleef, bill for sundry items, among which are the following: "50 mounted maps, \$17.50; 25 mounted maps, book form, \$13.75." Marked "Exhibit 213."

Also voucher No. 1913; Gaylord & Watson's bill, for mounting 75 maps, \$26.50. "Exhibit 214."

Also voucher 2382, John L. Murphy Publishing Company, May, 1890, for sundry items, among others the mounting and casing of 100 railroad maps, \$45, and the certificate "I certify the necessity of the articles named in the above bill was not known at the time of making the requisition for the stationery and blanks required to be furnished by the contract by the act of the Legislature of 1883. John T. Van Cleef, Secretary State Board of Assessors." Marked "Exhibit 215."

Also voucher 2,359, State of New Jersey to John T. Van Cleef, for sundry items in June, 1889, among which is the following: "Mounting 50 maps, \$17.50." Marked "Exhibit 216."

Also bill 2,645, dated July, 1889, State Board of Assessors, to John L. Murphy Publishing Company, sundry items, among which is the following: "May 6, mounting 208 maps of N. J., \$72.80," with the same certificate by the Secretary of the State Board of Assessors. "Exhibit 217."

The total of these mounted maps is 703 maps, which the State had mounted on rollers or in book form during these years that I have mentioned.

Senator Skirm—At an aggregate cost of what?

Mr. Corbin—The cost is 35 cents, 45 cents and 55 cents, making probably two or three hundred dollars.

Q. I show you a mounted map. Is that the form of mounting which was used for these maps? A. It is; that is, for the roller maps, and of course the other was in a book form, folded.

Q. One form folding into a little pocket-book? A. Yes, sir.

Q. Four by ten—something like that? A. Yes, sir.

Roller map referred to is offered in evidence and marked "Exhibit 219."

Chairman Voorhees—Whence arose the demand for these?

Mr. Corbin—I suppose a good many people would like a mounted map; but I have some evidence on that.

I wish to call the attention of the Committee to the sale of some of these mounted maps to different State officers, which were paid for by the State. There is a voucher in the regular printed reports: December 30, 1887, 12 maps to the Secretary of State, at \$3.50 apiece, \$42; January 13, 1888, five to the Sinking Fund Commissioners, \$3.50 apiece, \$17.50; February, 1888, five to the Attorney-General, at \$3.50, \$17.50; same date, fifteen to the State Treasurer, at the same price, \$52.50; May, 1888, fifteen to the State Treasurer, at \$3, \$45; Derember, 1888, seventeen to the Comptroller, at \$3, \$51.

Senator Skirm—Who was Treasurer and Comptroller for those years?

Mr. Corbin—I would have to look in the reports; I don't know that it is important.

Q. Mr. Betts, these mounted maps, that is, maps mounted similarly to this, were sold by you and Mr. Van Cleet? *A.* They were.

Q. To the lawyers and others? *A.* Yes, sir.

Q. And \$3 and \$3.50 was the price charged? *A.* First \$3.50; then we reduced it to \$3, and later to \$2.

Senator Skirm—Do I understand that that map is a sample which they charged \$3.50 for?

Mr. Corbin—That is correct.

Witness—Yes, sir; that could be got from anybody, lawyers and all.

Senator Skirm—I only wanted to know whether the State paid that.

Mr. Corbin—The list of these maps amount to sixty-nine maps and cost \$225.50.

Chairman Voorhees—Why did the Sinking Fund Commissioners want railroad maps?

Senator Skirm—You might ask why the Treasurer and Comptroller would want so many maps at that price.

Chairman Voorhees—Yes, I suppose I might.

Q. (By Chairman Voorhees)—Do you know why those departments wanted those maps? *A.* No.

Q. Who sold them to them? *A.* That I don't know; some one—I sold some myself and the Colonel might have sold some.

Q. When this first edition of maps was printed, did you see them? *A.* Yes, sir.

Q. Did they come here to Trenton? *A.* Some of them, and some went to Somerville; that is, I don't mean—we had some extra ones printed and had them mounted for private use.

Q. Are you sure that there were ever any extra ones printed in addition to the first order of six thousand copies? *A.* Well, I can only give you my impression, as I did before, that there were.

Q. Can you give any impression as to how many? *A.* No, I haven't the remotest idea.

Q. You didn't personally follow up the details of it, did you? *A.* No, sir.

Mr. Corbin—I have made a tabulation, which I will present to the Committee, of the cost of these maps to the State.

In 1887 Sinnickson Chew printed the State Board of Assessors' report, by contract, and furnished this map without contract, so far as I am able to ascertain, six thousand maps at a cost of \$1,500; in 1888 there is also an item in his bill for printing the report, with blank

number of maps, \$1,125; and if it was at the same price it would be forty-five hundred maps. I assume it was that price, 25 cents apiece, because I see that price prevails during the previous and some other years.

In 1889 John L. Murphy printed the State Board of Assessors' report, and added to his bill six thousand of these maps, \$1,800. In 1890 MacCrellish & Quigley printed the State Board of Assessors' report, and added to their bill six thousand maps at \$1,500. In 1891 John L. Murphy Printing Company printed the report, and added to their bill six thousand maps at \$1,540. In 1892 MacCrellish & Quigley printed three thousand copies of the report, and added to their bill six thousand maps at \$1,500. In 1893 John L. Murphy Publishing Company printed three thousand copies of the report, and added to their bill three thousand copies of the map at a cost of \$750. In 1894 MacCrellish & Quigley printed twenty-five hundred copies of the report, and added to their bill thirty-five hundred copies of the map at a cost of \$700.

The total number of reports of that board printed within those years is 38,500; the total number of maps paid for during those years is 41,000, assuming that the number in 1888 was 4,500, as above stated. The total cost of those maps to the State, paid to the publishers thus far, is \$10,415.

Senator Skirm—Paid by the State to the publishers for these maps?

Mr. Corbin—Yes; I will produce evidence with respect to that. The State has paid for mounting on rollers and in books \$755.96—mounting in various ways. That, I think, must include certain other items too; 703 maps do not amount to that; it amounts to about \$300, but there are other items chargeable to the maps, bringing it up to \$755.96; the State paid for the mounted maps, sixty-nine of them, \$225.50, making the gross total of the cost of this map to the State, so far as I am able to ascertain, \$11,396.46.

Chairman Voorhees—That is a pretty valuable copy-right.

Not very, no.

Mr. Corbin—I wish to make one further comment by permission of the Committee at this point. By the evidence which we produced here a few weeks ago it

appears there are in the vaults of the State House of these different years, still undisturbed, 18,500 of the reports; these maps are not attached to the reports. This number, 18,500 of reports, is exclusive of those on hand in the vaults of the Board, both bound and unbound, which I estimate at four thousand; that may of course be inaccurate, but if my estimate is correct there are 22,500 copies of the State Board of Assessors report on hand for the years 1885 to 1894, against 16,000 which have been circulated. As to the maps, I have no data from which to estimate how many have been circulated.

Senator Ketcham—Why was the amount cut down in 1894?

Mr. Corbin—I believe the Joint Committee on Printing cut down this, as well as sundry other items; I think they cut down the number to be printed; it was found that the number of the reports printed was larger than the demand.

Senator Ketcham—During the session of the committee, last year, they were just learning of this extravagance, and cut it down to a considerable extent.

Mr. Corbin—I summoned Mr. John L. Murphy and his foreman, Mr. Furman; and Mr. Furman has written me a letter to the effect that he is confined to his house by illness, and asks that he might be excused. I made no response to it, for I didn't see the messenger. Mr. Murphy has sent his books here, and I supposed was to be here, but he is not.

SINNICKSON CHEW, sworn.

Examined by MR. CORBIN.

Q. You reside in Camden? A. Yes, sir.

Q. You are a printer? A. Yes, sir.

Q. Did you print the State Board of Assessors' Report for 1887? A. I believe I did; it is my imprint, isn't it? Yes, that is mine.

Q. I show you voucher No. 4,013, October, 1887, being bill of Sinnickson Chew to the State of New Jersey, and direct your attention especially to the portion concerning the report of the State Board of Assessors. What is the total amount of your bill for that report? A. \$3,016.71.

Chairman Voorhees—Will the Sergeant-at-Arms kindly ascertain where Mr. Murphy is? Has he been subpoenaed?

Mr. Corbin—Yes, sir; the writ was served on the 22^d of April, at Trenton.

Chairman Voorhees—The Sergeant-at-Arms is directed to find out where Mr. Murphy is.

Q. Of this sum I observe that \$1,500 is for furnishing 6,000 maps? A. Yes, sir.

Q. Did the maps actually pass through your hands? A. They passed from the maker of the maps—I think Heppenheimer & Sons made the maps, I think that was the firm's name—I don't know whether they passed through my hands or went to the binder of the book.

Q. You say they did pass through your hands? A. No, I don't know as they did exactly pass through my hands.

Q. They went from whom? A. They went from Heppenheimer & Sons, the maker of the maps, to the binder of the books.

Q. What evidence have you in your possession of that? A. None.

Q. When you made out your bill for \$1,500 for the maps, what did you have before you from which to make it? A. I suppose I had the bill from Mr. Van Cleef; Mr. Van Cleef, by the way, can give a more intelligent answer with reference to those maps than I can.

Q. Your contract required you to print the report? A. Yes, sir.

Q. And that cost \$1,516.71. Now, who told you to add to that without any contract, six thousand maps at \$1,500? A. I think I got that authority from the State Board of Assessors.

Q. That is, through Mr. Van Cleef? A. Yes, sir.

Q. Have you any letter from them? A. No, sir; I don't think I have.

Q. Who, if anybody, rendered you a bill for \$1,500 for maps, that is, for the report of 1887? A. I suppose Mr. Van Cleef, because I sent him my check.

Q. Have you got that bill? A. No, sir, I haven't; I had a fire in my place in June.

Q. You didn't pay Heppenheimer & Sons for the maps? A. I paid Heppenheimer & Sons; I got a memorandum there in my stub—one of my check books—having paid Heppenheimer & Sons \$1,500.

Q. Now, have you got this transaction upon your books? A. Nothing more than you have in that bill there.

Q. Let us see your books; you were summoned to bring them. A. I thought you had all the evidence in the bills and I didn't bring the books, but I will telegraph for them if you wish them.

Q. Your summons, Mr. Chew, is this: "To bring with you your order book, sales books, day books, journals and cash books and ledgers for the years 1887, 1888 and 1889; also your check book and stub books and bank books and checks for the same years showing your dealings with the banks at Camden; and also the invoices and bills given to you for maps purchased by you and furnished by you to the State in 1887 and 1888, and the checks by which you paid for such maps." Now, did you bring those? *A.* No, sir, I couldn't find them; I didn't bring my big books for the reason that these are transcripts from the books, these bills on file in the Comptroller's office; I made an arrangement if you wanted them to telegraph for them and have them here.

Q. And further than that, I sent a man to Camden at some expense to serve this paper on you? *A.* And he gave me some money to come up; I don't want the money—It didn't cost me anything to come here.

Q. You are entitled to that by law. *A.* I am not sure, though it didn't cost me anything to get here.

Q. Now, you say this bill is a transcript of your books? *A.* Yes, sir.

Q. Now, this bill has simply this item, without date, "Furnishing 6,000 maps, \$1,500"? *A.* Yes, sir.

Q. No date? *A.* No.

Q. Now, where did you get that item from to put it in your book? *A.* That was the maps—those are the number of maps that were ordered for the books.

Q. You didn't order any? *A.* Yes, I ordered the maps.

Q. You ordered 6,000 maps? *A.* Yes, sir.

Q. Who from? *A.* From Heppenheimer & Sons.

Q. Are you not mistaken about that? *A.* I think I am not; I may be, because that is ancient history.

Q. I asked you to bring your checks by which you paid for these maps; have you done that? *A.* Yes, sir.

Q. Let me see the checks? *A.* I have got a stub book, and some of the checks I couldn't find.

Q. The only check I want is the one which paid for these six thousand maps? *A.* Well, I don't know whether I have got that; I have got a stub from the check book, but it don't say six thousand maps; it says "paid Mr. Van Cleef for maps."

Chairman Voorhees—What does the sergeant-at-arms report as to Mr. Murphy?

Sergeant-at-Arms Gresham—The Sergeant-at-Arms

reports that Mr. Murphy has gone to Philadelphia on the 11:10 train.

Witness—"Paid Heppenheimer & Sons, for maps, \$575."

Q. What is the date of that? A. September 9th, 1890.

Q. Now, I asked you to bring me the check which paid for the six thousand maps in your bill to the State in October, 1887. This is three years too late. A. Yes, sir; hold on—that is one; I have got more here. Here is one of June 1st, 1888, John T. Van Cleef, for maps, \$1,012.50.

Q. Now see if you can find one earlier than that? A. I don't think I can.

Q. Well, perhaps that is early enough. Your bill for maps furnished in 1887 was \$1,500. In the following June you paid Mr. Van Cleef for maps, \$1,012? A. Yes, sir.

Q. Is that all that you paid him? A. I think not; no, I paid him on the 22d of June, 1887, \$350 for maps.

Q. And June 1st, 1888, \$1,012? A. Yes, sir.

Q. (By Senator Skirm)—Wasn't there another entry in 1887? A. Yes, sir; November 1st, 1887, John T. Van Cleef, for maps in full, \$500.

Q. (By Senator Skirm)—So those two payments of \$350 and \$500 payments was for maps furnished in 1887? A. (No answer.)

Q. Now, let me see those two entries. We are getting them out of their order. Is this check of June 22d, 1887, for \$350, the first one paid by you for maps? A. I don't know, sir; I can't say; I don't know.

Q. How much did you pay him for those six thousand maps? A. I can't tell you now; that bill ought to tell.

Q. As a matter of fact, did you not pay him \$1,500, less a commission to yourself? A. They allow me in the trade—the trade discount is 10 per cent.

Q. You paid him, then, really, first and last, \$1,500, less 10 per cent., or less \$150? A. Yes, sir; I suppose so.

Q. That would have been the correct payment? A. Yes, sir; all the work I ever did for the State I did on a square basis.

Q. We are not questioning it at all. Have you gone through this stub book to see where the other payment was? A. I did, and my boys did, but I don't think they found it; if they had they would have marked it.

Q. Have you the checks here which paid these two sums? A. No; I can't find all of them; one check I couldn't find in my book; these checks—some of them are lost, I suppose.

Q. I show you the State's check to your order, dated July 26th, 1887, for \$500; is that your endorsement on the back?

A. Yes, sir.

Q. And you endorsed that over Mr. Van Cleef, did you not?

A. I suppose so.

Q. And he endorsed it below? A. I suppose that is so.

Q. Is there any doubt about it? A. No, sir.

Q. Then that is the additional \$500, is it not, which you paid for the year 1887? A. Yes, sir; I suppose so.

Check offered in evidence, with the accompanying warrant, and marked "Exhibit 219."

Q. Do you still think that the maps for the year 1887 were bought from Heppenheimer & Sons? Yes, sir; in New York, near the foot of the Brooklyn Bridge.

Q. Then, why did you pay Van Cleef for the maps which Heppenheimer furnished? A. I don't know why I did it; I can't tell; it has been too long since.

Q. Did Heppenheimer furnish a bill to you? A. Yes, sir; \$575.

Q. Well, that was in 1890. Must that not have been another subject? A. I don't think Mr. Heppenheimer ever made bills for me but once.

Q. What was that for? A. Maps.

Q. Aren't you mistaken in bringing Mr. Heppenheimer's account into this after 1887? A. Well, perhaps I am.

Q. Have you two checks which correspond with these two stubs in 1887 which you have shown? A. I don't think I have; I don't think we could find them.

Q. What is that package of checks which you have in your hand? A. These are checks for 1887. Can you tell me number of that check?

Q. The first check is 887? A. Yes, there it is.

Mr. Corbin—I offer in evidence check of Sinnickson Chew to the order of John T. Van Cleef, \$350, dated June 22, 1887, drawn upon the First National Bank of Camden, endorsed John T. Van Cleef. Marked "Exhibit 220."

Q. Now look for check 989.

Mr. Corbin—I also offer in evidence this check No. 989, dated September 1, 1887, drawn by Sinnickson Chew on the First National Bank of Camden to the order of John T. Van Cleef, for \$500. Marked "Exhibit 221."

I also call the attention of the Committee to the stubs produced by the witness corresponding with the checks, which I will read. "887; June 22, 1887, John T. Van Cleef, for map, \$350." "989; November 1, 1887, check dated September 1, (but the stub has been changed to November 1—evidently an error in drawing the check) November 1, 1887, John T. Van Cleef, maps in full, \$500."

I offer in evidence the stub book, which will be marked "Exhibit 222."

Q. You also printed the report of the State Board of Assessors in the year 1888, did you not? A. I don't know whether I did or not.

Q. Look at the copy of the report which I show you. A. No, sir; this is Murphy's; it is Murphy's imprint.

Q. The printing in 1887 may have been the report of 1886, that is the way of it? A. That is the point of it.

Q. I show you voucher No. 2870, July, 1888, being your bill for doing certain contract printing. Please look at the first page of it, which is the portion relative to the State Board of Assessors' report. What is the entire amount of your bill that year for printing that report? A. \$2,795.73.

Q. That includes, does it not, \$1,125 for printing maps? A. Yes, sir.

Q. How many maps did you furnish for \$1,125? A. I don't remember.

Q. Why didn't you put it on your bill? A. I don't know that; it ought to have been on the bill; this is made out by my young man, and I don't know why he didn't put it on the bill; if I had been asked I should have said the number was there.

Q. What is that made out from? A. From my books.

Q. Well, who made the entry on the book? A. I suppose the same young man that made the bill out.

Q. That was this same railroad map, was it? A. I suppose so.

Q. As a matter of fact, the maps didn't pass through your hands, did they? A. No; they went from the maker to the binder.

Q. Who was the maker of them? A. I don't know now.

Q. You paid Mr. Van Cleef that year again, didn't you? A. I paid all the demands against me.

Bill offered in evidence and marked "Exhibit 223."

Witness—Mr. Van Cleef ought to be able to answer all these questions intelligently; he got the money and

ought to know more about it than I do, because I didn't charge my memory with it.

Q. I show you the stub book which you have produced. What bank is this stub book on? *A.* That is the National State Bank, sir, of Camden.

Q. I call your attention to the stub of check 1,196, dated June 1, 1888, John T. Van Cleef for maps, \$1,012.50? *A.* I don't believe I have got that.

Q. That check is for \$1,125, less 10 per cent., isn't it? *A.* I should judge so.

Q. Who asked you to furnish the maps that year? *A.* That, I don't know now, it has been so long ago, but I got my authority from somebody that I thought had a right to give it.

Q. They weren't in your contract, were they? *A.* No, I think not; however, the contract is the best evidence of that question.

Q. Do you know who printed the maps that year? *A.* No, I don't know as I do.

Q. And as a matter of fact, you rendered your bill upon the information obtained from the State Board of Assessors, from the clerk did you not? *A.* I believe so; I couldn't say positively.

Q. And the maps went straight from the maker of them, whoever it was, direct to the binder? *A.* To the binder, if I remember right; there were some maps that were not bound up.

Q. Did you ever see any of these maps, yourself; any of them? *A.* Oh, yes; I saw some.

Q. Where? *A.* Somebody gave me a few.

Q. But you got them here, at the Capitol? *A.* Yes, sir.

Q. But they never passed through your office? *A.* No, sir.

Q. And when the bill was rendered by Mr. Van Cleef you paid it, less 10 per cent.? *A.* Of course.

Q. And for putting it upon your bill and doing it in the way you did you had the 10 per cent.? *A.* Yes, sir; I understood that was customary; they told me that was customary.

Q. You referred to your contract for printing. I show you contract with the State, dated 15th of November, 1887. That is what you referred to, was it not? *A.* Yes, sir; that is what I referred to.

Q. It is the contract for printing certain State reports? *A.* Six thousand copies of the State Board of Assessors.

Contract offered in evidence and marked "Exhibit 224."

Chairman Voorhees—Who received any authority to purchase these maps?

Mr. Corbin—The only authority that I have found is what I have read from the State Board of Assessors Report. They reported each year that they had re-adopted this map, and said in some of the years that it would accompany their report; there may be resolutions upon their books; I haven't got so far as to inquire about that.

Chairman Voorhees—Is a resolution of that character, even if it were formally passed, of any binding effect upon the State?

Mr. Corbin—I wouldn't like to answer that without looking at the Board of Assessors' act. They have power to incur certain expenses; I haven't looked into it with a view to the legal authority for ordering work; it is in the laws of 1884 and 1888.

Witness—The printer simply takes the copy that is furnished him and does as he is instructed.

Senator Skirm—I suppose there must have been some authority for this, or otherwise the Comptroller would certainly have never ordered the bill paid.

Mr. Corbin—I assume that is so.

Chairman Voorhees—Then why should it be put through in this way?

Senator Skirm—It should be advertised the same as anything else.

Chairman Voorhees—Certainly; that is where the wrong comes in, in my way of thinking.

Mr. Corbin—I think the State Board of Assessors' act for taxing railroad and canal property may contain the authority, if there is any authority.

I offer in evidence this second stub book produced by the witness on the State National Bank, of Camden, which will be marked "Exhibit 225."

Q. Did you ever print a third number of the State Board of Assessors' report? A. I don't think I did; I think I printed only two years, but, as I said awhile ago, it has been so long—I think they underbid me and took it away from me.

Q. What books have you in which this transaction will appear—I mean this transaction of the maps? A. The books from which those books were made.

Q. What book? A. Ledger.

Q. Nothing else but the ledger? A. No, sir; I don't know; I didn't overhaul my day book, because these bills were made

right out of the ledger—just a transcript of my ledger, the bills are.

Q. Can you not remember what you had before you from which to make up those charges upon your books? A. No, sir; I don't remember anything about it.

Q. How did you arrive at the price at which you were to charge the maps? A. I can't tell you now, it has been so long ago.

Q. (By Senator Skirm)—How would you do it now if you were to have such a bill; how would you do it? A. I would find out what the maps were going to cost, and then do it in that way.

Q. (By Senator Skirm)—Then you would charge it on your book and pass it from your day book to your ledger? A. Yes, sir.

Q. (By Senator Skirm)—Wasn't these bills made up so much for the contract, and then when you rendered your bill so many maps at so much money? A. Yes, sir; this is ancient history for me.

Q. Whether the maps were actually delivered to the State or not you wouldn't verify? A. No, I don't think there is any doubt about it.

Q. But you have no means of verifying that fact? A. No, sir.

Q. Nor had you then? A. I suppose I could have.

Q. But you did not? A. No.

Q. (By Senator Skirm)—Now, I want to know, then, how you knew that these maps were delivered, and how many to put on your bill? A. Mr. Van Cleet furnished me the bill.

Mr. Corbin—I offer in evidence the bill of Mr. Chew, dated October 28th, 1887, to the State of New Jersey, being Comptroller's voucher No. 4013, the same to be marked "Exhibit 226."

Q. I would like to have seen your books in which this map charge is entered, but it is for the Committee to say. A. If you want them I can telegraph for them and have them brought up, but they won't give you any further light than that bill which I filed with the Comptroller.

Chairman Voorhees—I have no doubt Mr. Chew is willing to aid the Committee in any way he can.

Mr. Corbin—I don't like to bother Mr. Chew, but I was so particular to subpoena him to bring all these books—we will let it stand for the present, and if we want them I will let you know. Will you please refer

again to the check made by you to Heppenheimer which you think refers to this subject.

Chairman Voorhees—I can't find anything in the act of 1888 giving them authority to do that. I find at the end of Section 2 this expression, "They shall keep a record of their proceedings and shall annually report to the Legislature."

Mr. Corbin—I suppose the theory of it is that it is transmitted as part of their report; the printing of it, however, is a different matter.

Senator Skirm—I should suppose the fault there would be with the Comptroller in auditing such bills to be paid without any legislative authority to do so.

Mr. Corbin—I am unwilling to characterize the legal authority of it or to speak of it, because I haven't looked it up with that view.

Chairman Voorhees—The mere fact of this mode of doing it is sufficient to characterize it. Have you the original proposals for the publication of anyone of these annual reports?

Mr. Corbin—No, sir; I can get them, though.

Chairman Voorhees—I wish you would; I would like to see whether in that is included the publication of this map.

Mr. Corbin—Touching the point which you have just mentioned with regard to the proposals, this contract which I have just offered in evidence between Mr. Chew and the State for the year 1887 contains a printed copy of the specifications for the printing for that year; I think you will find no reference to the map there; I was unable to find any.

Q. I show you now the stub book which you produced of the National State Bank of Camden, and draw your attention again to the stub which you showed, being stub No. 1414, September 9th, 1890, to Heppenheimer & Sons, \$575. What bearing, if any, has that upon this present inquiry relative to the maps? A. That is what I paid Mr. Heppenheimer & Sons direct.

Q. For what? A. For the maps.

Q. Some of these same maps? A. Yes, sir.

Q. Well, accompanying the State Board of Assessors' Report?

A. Yes, sir; he only made one set of maps.

Q. Did you ever print the report a third time? A. No, sir.

Q. Well, then, why did you, in 1890, when you were not

printing the report, buy these maps from Heppenheimer? A. I don't know about that.

Q. May not that check refer to something else? A. No, sir; I don't think I ever had any transaction with him except for the maps; I don't remember of having.

Q. And was it this railroad map? A. That is my understanding; yes, sir.

Q. Did the map come to your place of business? A. No, sir; it went in with the report.

Q. Who asked you to get maps from Heppenheimer? A. I was directed to have the maps made.

Q. By whom? A. I think Mr. Van Cleef recommended me to them.

Q. And after you had these maps made by Heppenheimer what did you do with them? A. They went into the report, I suppose.

Q. But I think it appears that you didn't print any report that year. A. That would be 1889 report?

Q. Yes. The report for the year 1888, printed in 1889, bears the imprint of the John L. Murphy Publishing Company; the report for 1889, printed in 1890, bears the imprint of MacCrellish & Quigley.

Chairman Voorhees—For the year 1887 bears the imprint of S. Chew.

Mr. Corbin—But we have accounted for all that.

A. Now, perhaps it would be just as well for me to go over to Heppenheimer's and ask them about that and see if they can tell me anything about that.

Mr. Corbin—I would prefer to have your memory on it, if you can remember it.

Witness—I can't find the check, I think.

Q. Wasn't that for some other lithographing work? A. I don't think they ever did any other work for me.

Q. You say that Van Cleef directed you to Heppenheimer to get the work done? A. Yes, sir; I think there was—they had the work done somewhere else, and it wasn't satisfactory, as I understood.

Q. Now, if it is so that in 1890 you got those maps printed by Heppenheimer for the State, it would appear somewhere in your books, wouldn't it? A. I suppose so; I don't know.

Q. Is there any doubt—but if you had worked for the State you would have entered it on the books? A. Yes; don't it show anywhere in those books?

Q. But you haven't brought your books. A. I mean bills; I will bring them; I don't think my books will throw any light outside of my bills.

Q. Can you, by reference to these stub books, tell us anything more? A. Because, as I told you, it is ancient history with me.

Q. I suppose you paid promptly, the same year that you got that, didn't you? A. I don't remember about that.

Q. But you do pay promptly? A. Well, I aim to always pay when I have the money; that is my business, to pay my debts.

Q. You would scarcely have let that go over from 1888 to 1890, would you? A. No; I don't think I would.

Q. Well, I think we will have to see your books about that? A. All right, sir. Do you want them to-day?

Q. Well, let us inquire a little further about it. Did those maps which Heppenheimer made ever come under your personal inspection? A. No, sir; they followed the course of the others.

Q. That is, went direct to the man— A. The man who bound, or to the State Board of Assessors; some of them wasn't put in.

Q. You say Van Cleef directed you to Heppenheimer to have the work done? A. I think he recommended him.

Q. Did you then go to Heppenheimer? A. Yes, sir.

Q. Where? A. New York; I don't remember his place; it is near the Brooklyn bridge.

Q. Did you take the map with you? A. I think not; I don't remember anything about that.

Q. Who gave Heppenheimer the map to work from? A. I think Mr. Van Cleef did. However, Mr. Van Cleef can answer that question better than I can.

Q. Was Mr. Van Cleef with you? A. No, sir.

Q. Was that metal work, or work done upon a stone? A. I give it up; I don't know.

Q. What did you order? A. I ordered these maps, so many copies.

Q. How many? A. I think it was six thousand; I will not be sure about that; I won't be sure about anything, because it has been so long ago and the whole thing has passed out of my mind.

Q. It hasn't passed out of your books, has it? A. It ought not to; no, sir.

Mr. Corbin—I can't see on the face of it how this could touch this subject, but I think Mr. Chew had better produce the books. His memory seems to be quite clear that it was for printing this State railroad map.

Witness—Yes ; if I find it any different I will let you know, or come and bring the books.

Q. Better bring the books and let us talk it over together.

A. Yes. When shall I bring them ?

Q. Can you fetch them up to-morrow ? A. Yes, sir.

Mr. Corbin—The report of 1889 seems to have been printed by the John L. Murphy Publishing Company.

Senator Skirm—Are the maps charged in that year ?

Mr. Corbin—Yes, sir. I will offer in evidence voucher No. 415, of December, 1890, being the bill of John L. Murphy Publishing Company to the State for printing numerous reports, among others the report of the State Board of Assessors, six thousand copies, which cost \$3,396.19. The last item in this bill is six thousand maps, \$1,800 ; marked “ Exhibit 227.”

Senator Skirm—That is an increased price for the maps ?

Mr. Corbin—That would be 30 cents apiece ; yes, sir.

Mr. Murphy isn't here as yet, nor yet his superintendent, but he has sent me these books.

Chairman Voorhees—Who served the subpoena on Mr. Murphy ?

Mr. Corbin—Mr. Lambert.

Chairman Voorhees—Let Mr. Lambert be sworn.

ASHER E. LAMBERT, recalled.

Examined by MR. CORBIN.

Q. I show you the subpoena directed to John L. Murphy and W. T. Furman. Did you serve this ? A. Yes, sir.

Q. When ? A. Yesterday afternoon.

Q. Where ? A. At his residence.

Q. Where is that ? A. On State street.

Q. And how did you serve it upon Mr. Murphy ? A. I simply handed it to him on his doorstep as he was going in the house.

Q. Personally ? A. Yes, sir.

Q. Did you give him a witness fee ? A. Yes, sir.

Q. How much ? A. Fifty cents.

Q. Did you serve Mr. Furman also ? A. Yes, sir.

Q. In the same manner ? A. Yes, sir ; at his residence in Trenton.

Q. (By Senator Skirm)—Was he sick a-bed ? A. No, sir ; he came to the door ; I stopped at the office and they told me he had just left the office a few minutes before I arrived at his house.

Mr. Corbin—Mr. Murphy has left with me these three books. The first one is endorsed "State work, J. L. M. P. Co.," and he has placed marks in the book, the first of which is under the index entitled "Reports," which is his bill for 1888 for 6,000 copies of the State Board of Assessors' Report. The last item of the charge is 6,000 maps, \$1,800. It seems to be the account from which the bill which I offered was transcribed. He has also marked another page, 91, 6,000 copies of this Report, 6,000 maps, \$1,500; envelopes, \$40.

Senator Skirm—The price was down that year, then?

Mr. Corbin—Yes, sir; 25 cents apiece. Also he has marked another page, 93, three thousand reports State Board of Assessors; the whole bill is \$1,340. I don't see the maps that year; I think they were in a separate bill. That is all the marked places in that book. Mr. Murphy has also left the stub of his check book. I am unable to say what bank this is upon, as the stubs do not show. He has turned down one or two pages to draw our attention to them. One is check stub 3398, March 21st, 1889, J. T. Van Cleef for maps Railroad Assessors, \$1,620. That seems to be \$1,800, less 10 per cent. Also another stub book is produced of the Mechanics' Bank of Trenton, in which I find stub 4095, March 5th, 1891, John T. Van Cleef, \$1,350, in pencil, "railroad maps." That would seem to be \$1,500, less 10 per cent. I offer these books in evidence; and I may say to the Committee that they are by no means a complete response to the summons which was served. I asked for the checks, the books of account, and so on, and yet they doubtless refer to the subject.

The book mentioned called "State Work" is marked "Exhibit 228," and the stub books marked "229 and 230."

The report of 1889 bears the imprint of MacCrellish & Quigley.

I offer in evidence the contract dated November 21, 1889, between MacCrellish & Quigley and the Comptroller for printing State Reports, among others, six thousand copies of the State Board of Assessors, and the same will be marked "Exhibit 231."

HOWELL QUIGLEY, sworn.

Examined by MR. CORBIN:

Q. You are one of the firm of MacCrellish & Quigley? A. Yes, sir.

Q. I show you this contract, "Exhibit 231." You printed the report of the State Board of Assessors under that contract? A. Yes, sir.

Q. I show you voucher No. 2118 to the State, dated April, 1890, for this and other printing. What was your full bill for printing the State Board of Assessors report that year? A. It was that amount, less \$1,500.

Q. What is the total? A. \$3,296.16.

Q. Did the State pay that? A. Yes, sir.

Q. How much of that was for maps? A. \$1,500.

Q. The last item of the bill is six thousand maps at 25 cents, \$1,500. Did you handle the maps? A. No, sir.

Q. Well, how came they then to be in your bill? A. We received the order through Col. Van Cleef, the State Board of Assessors' Secretary. We have their voucher that the maps were returned to them, or that they received the maps, and on that basis we put them in our bill.

Q. Just turn to your books and vouchers relative to this item; what is this book that you produce? A. Ledger No. 4.

Q. And the account is on what page? A. 500.

Q. Just read the item relative to maps? A. "Six thousand maps, \$1,500," and here is the credit.

Q. And on the other side you credit \$1,500? A. Yes, sir; that is the bill, and here is the receipt, and there is the check.

Q. You say here is the bill; what bill? A. Rendered to us for the maps.

Q. Rendered to you for the maps by whom? A. John T. Van Cleef.

Q. I will read this bill. "Trenton, April 13, 1890. MacCrellish & Quigley to John T. Van Cleef, to six thousand maps of railroads of New Jersey, as compiled by authority of the State Board of Assessors, to accompany the report of said Board for the year 1889, at 25 cents, \$1,500, less 10 per cent. contractor's commission, \$150, net \$1,350. Received payment. John T. Van Cleef. Above maps received from MacCrellish & Quigley. John T. Van Cleef, Secretary S. B. of A." The maps in that didn't pass through your hands, did they? A. No, sir.

Q. And you took that receipt from the Secretary of the State Board of Assessors? A. That they had been received by them from the copyrighters.

Q. And as a warrant for making out your bill? *A.* Yes, sir.

Q. Have you ever seen the maps, as a matter of fact? *A.* I have seen a great many of the maps—I don't know—

Q. That is, you have seen a great many railroad maps, but as to the particular ones delivered for that bill, that you don't know anything about? *A.* No, sir.

Q. I show you the check of which you spoke; is this the check by which you paid Mr. Van Cleef? *A.* Yes, sir.

Q. The check is numbered 908, dated April 15, 1890, drawn by MacCrellish & Quigley to the order of John T. Van Cleef, for \$1,350, endorsed John T. Van Cleef.

Mr. Corbin—I offer this book and this bill and check in evidence, and ask that the ledger be marked “Exhibit 232,” and the bill which was read, “Exhibit 233,” and the check “234.”

Q. Show me another of those in your cash book, if there is any. *A.* Here it is, at page 258, Cash Book No. 5; State of New Jersey, account of reports, \$1,500.

Q. Why did you retain \$150 out of the \$1,500 that year? *A.* Ten per cent. allowed us as contractor's commission.

Q. The maps were not included in that contract, were they? *A.* No, sir.

Q. Who asked you to add that to your bill? *A.* The maps were ordered through John T. Van Cleef.

Q. They were ordered by him? *A.* By him and through him.

Q. And you were asked to put them upon your book and take out your commission and settle on that basis: was it not so? *A.* Yes, sir.

Senator Skirm—Allow me to ask, Mr. Quigley, then you had no order for maps at all? *A.* Yes; we ordered them of John T. Van Cleef.

Q. And he rendered the bill which you have shown? *A.* Yes, sir.

Q. And these orders, as Secretary of the Board, he receipted for having been delivered? *A.* Yes, sir.

Q. And on the strength of that warrant you made the bill out? *A.* Yes, sir.

Mr. Corbin—I offer in evidence the check of the State to the order of MacCrellish & Quigley for \$1,500, dated June 21st, 1892, and endorsed by MacCrellish & Quigley, and the same is marked “Exhibit 235.”

Q. Is that the check by which these maps were paid for by the State? *A.* Yes, sir; that is it.

Q. Does your cash book show payment to Van Cleef? A. Yes, sir.

Q. On what page? A. 259.

Q. Read the entry. A. "Check 908, John T. Van Cleef, \$1,350, April 15, 1890."

Cash book offered in evidence and marked "Exhibit 236."

Q. Did you also, in the year 1892, print the report of the State Board of Assessors for the year 1891? A. Yes, sir.

Q. Please show the account. What book is this? A. Same ledger, No. 4.

Q. What page? A. 503.

Q. What was the total cost of printing the report? A. \$1,235.90.

Q. For how many copies? A. Three thousand copies.

Q. The maps were not included that time in the bill for printing the report, were they? A. No, sir.

Q. I show you the State's voucher No. 2579, May, 1892, being your bill rendered to the State for \$1,235.90; that is for the printing? A. Yes, sir.

Q. That was paid? A. Yes, sir.

Voucher offered in evidence and marked "Exhibit 237."

Q. I show you a separate bill, being voucher No. 2957, of June, 1892, for six thousand copies of the map, \$1,500; is that the bill you rendered? A. Yes, sir.

Q. I draw your attention to the affidavit on the back of this bill: "Howell Quigley, being duly sworn, says, that this account is correct and just, and that the services were rendered and articles furnished as stated therein, as per receipt from Board of Assessors. Howell Quigley." To what did that clause refer? A. It referred to this receipt.

Voucher just read offered in evidence and marked "Exhibit 238."

Q. You have produced the receipt which I will read: "Trenton, May 6th, 1892. Received of MacCrellish & Quigley, six thousand maps of the railroads of New Jersey, edition of 1892, for the report of the State Board of Assessors of 1891 and 1892. John T. Van Cleef, Secretary State Board of Assessors." Did those maps pass through your hands? A. No, sir; the same process as before.

Q. You simply took that from him as your warrant for making out your bill? A. That he had received the maps; yes, sir.

Q. But you verified it in no other way? A. No, sir.

Q. What is this second paper that you produce? *A.* That is a letter from Van Cleef.

Q. "Trenton, May 24th, 1892. MacCrellich & Quigley, Trenton. Gentlemen: Enclosed find invoice for six thousand maps railroads of New Jersey delivered to State Board of Assessors in compliance with your order dated May 1st, 1892. Also find herewith receipt from State Board of Assessors for the maps as delivered. John T. Van Cleef, for Van Cleef and Betts." The receipt referred to is the one which I have already read which is in this bill? *A.* Yes, sir.

Mr. Corbin—"May 24th, 1892. MacCrellich & Quigley to John T. Van Cleef, Dr., to six thousand maps railroads of N. J., 1892, for use State Board of Assessors, \$1,350. Received payment June 22d, 1892. Van Cleef & Betts."

The witness produced a check of June 22d, 1892. "Trenton Banking Company, pay to the order of Van Cleef & Betts, \$1,350. MacCrellich & Quigley. Endorsed Van Cleef & Betts, John T. Van Cleef."

I offer in evidence letter of May 24th, 1892, which is marked "Exhibit 239"; also the bill enclosed therewith, dated May 6th, 1892, marked "Exhibit 240"; also the bill for six thousand maps, dated May 24th, 1892, marked "Exhibit 241"; also the check of June 22d, 1892, \$1,350, marked "Exhibit 242."

Q. Why were six thousand maps printed when only three thousand copies of the report were printed in that year? *A.* I think that was in the receipt, there; they were for other years.

Q. You mean ordered in advance? *A.* Let me see that; 1891 and 1892; for two years, according to that.

Q. Well, you have already provided six thousand for the year before. You don't know anything about that, do you? *A.* No, sir.

Q. (By Chairman Voorhees)—These bills were made up from information furnished you? *A.* Yes, sir.

Q. Is this transaction entered upon your cash book? *A.* Yes, sir.

Q. If so, upon what pages? *A.* Same book, cash book No. 7, page 6, State of New Jersey, \$1,500; and on page 7, Van Cleef & Betts, \$1,350.

Q. In 1894 did you print the State Board of Assessors' report for 1893? *A.* Yes, sir.

Q. Please refer to your books. First I show you your voucher,

being voucher 2620, of May, 1894, for \$1,243. Is that your bill for printing the reports? *A.* The report proper; yes, sir.

Q. How many copies? *A.* Twenty-five hundred.

Q. There were no maps included in that bill? *A.* No, sir.

Voucher offered in evidence and marked "243."

Q. I show you also Comptroller's voucher 2740, July, 1894, for 2,500 maps. Whose handwriting is that bill made out in?

A. John T. Van Cleef.

Q. And it is verified by your affidavit? *A.* Yes, sir.

Q. And I see that you added that year the same clause to your affidavit, "as per receipt from the State Board of Assessors." That you receipted? *A.* Yes, sir.

Voucher offered in evidence and marked "Exhibit 244."

Q. You produce a receipt: "Trenton, July 26th, 1894. Received of MacCrellish & Quigley, 2,500 railroad maps of State of New Jersey, to accompany annual report State Board of Assessors, for 1893. Also 1,000 additional of the same for use of said Board. John T. Van Cleef, Secretary State Board of Assessors." You didn't actually handle them that year, did you? *A.* No, sir.

Q. It was as before? *A.* Yes, sir.

Q. Mr. Van Cleef gave you a warrant for rendering a bill? *A.* Yes; there is the bill.

Q. This is his bill to you? *A.* Yes, sir.

Q. "July 30th, 1894. MacCrellish & Quigley to John T. Van Cleef, debtor, to 3,500 maps, railroads of N. J., 1894 and 1895, 2,500 to accompany report of State Board of Assessors for 1893 and 1894, and 1,500 for use of State Board, at 20 cents, \$700, less 10 per cent., \$70, \$630. Received payment. John T. Van Cleef." There is an evident error in the bill. The bill first says 3,500 maps, and they are charged as 3,500 at 20 cents apiece, but in specifying what they are for the numbers are different—2,500 to accompany report of State Board for 1893 and 1894, and 1,500 for use of the Board.

Senator Skirm—That should have been a thousand.

Mr. Corbin—Yes, sir, that doubtless should have been so. The receipt corrects it.

Senator Skirm—Do I understand that the bill for the preceding year—that there are 3,000 more maps than there are reports?

Mr. Corbin—I have it here, sir. In the year 1892 there were 3,000 reports and 6,000 maps; in the year 1893, 3,000 maps and 3,000 reports; in the year 1894,

which is this one, there were 2,500 reports and 3,500 maps.

Q. What is this check you produce? Check for the bill dated July 30th, 1894, MacCrellish & Quigley on the Trenton Banking Company, to the order of John W. Van Cleef, for \$630, endorsed John W. Van Cleef, John T. Van Cleef.

Mr. Corbin—I offer in evidence the receipt, bill and check, and ask that they be marked respectively “245,” “246” and “247.”

Q. Does this appear on your cash book? *A.* Cash book 7, page 244. State of New Jersey, \$700; page 245, John T. Van Cleef, \$630.

Q. Did you ever see these maps or tally them up? *A.* No, sir.

Q. Who first came to you to make this arrangement that the maps should go upon your bill and 10 per cent. be taken off by you? *A.* Colonel Van Cleef.

Q. Did you know it before you bid? *A.* I think not the first year; after that it was always an inducement to bid low to get that.

Q. So that that commission which you expected to get off of the maps was one of the inducements for your making a low bid on the reports? *A.* Yes, sir.

Q. What assurance did you have that you could count on that? *A.* None.

Q. But you assumed that you could count on it? *A.* Yes, sir; took it as a precedent.

Q. Nothing in the specifications on which you bid to indicate that? *A.* No, sir.

Q. Do you know whether other bidders were informed of that? *A.* No, sir.

Q. As a matter of fact, they all seem to have got it, did they not? *A.* I presume so.

BENJAMIN F. INGRAHAM, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? *A.* Elizabeth, N. J.

Q. What is your occupation? *A.* Manager of the Thomas & Wylie Lithographing Company.

Q. Look at the printed map, “Exhibit 218,” which I show you. Was that map printed by the house of which you are the manager? *A.* No; that was printed by the house of H. A. Thomas & Wylie; it is now a corporation.

Q. Well, your house is the successor of that house, is it not? *A.* Yes, sir.

Q. It is the same business, conducted in the new corporate form? A. Yes, sir.

Q. When did you become manager there? In the spring of 1889.

Q. Is the stone from which this map was printed in the possession of your company? A. Yes, sir.

Q. When did you go with that company? A. In November, 1888.

Q. And have any maps ever been printed from that stone since you went with that concern? A. Not to my recollection.

Q. Have you made search of the company's books and records to see whether they have? A. Yes; I gave that order yesterday, and couldn't find it.

Q. You can find no record of any maps printed since 1888? A. No, since the time this map was printed.

Q. How many were printed from this stone when this stone was made? A. Six thousand.

Q. Were they all printed in one edition? A. Yes, sir.

Q. Have any maps ever been printed since, so far as your records show? A. No, sir.

Q. Would you not be likely to know it or have a record of it if there were any? A. Yes, sir.

Q. I show you "Exhibit 208," a paper copy. Look at that and say if that is a copy of the same map, unmounted? A. Yes, sir.

Q. This paper copy is furnished me by the clerk of the State Board of Assessors as the map which was given out with the State Board of Assessors' Report for 1888 to 1890, for those years. It is identified as being the same map, and clearly is so. I show you "Exhibit 209," dated 1893 and 1894, being a somewhat smaller map. Did your concern make that map? A. No, sir.

Q. Can you say whether that is a map made from a stone or from metal? A. I believe it is made from metal; on stone it is quite different.

Q. Can you, by examining it, say whether it is a photograph copy of the other? A. No; I couldn't; it probably was photographed originally.

Q. (By Senator Skirm)—Do I understand this gentleman to say that there were only 6,000 maps of the original printed, and that the next map was issued in 1892, and that there were no others printed. Is it possible, then, that these maps could have been engraved on another stone, at another establishment? A. Certainly.

Q. (By Senator Skirm)—And they would have the same imprint as you? A. No; it wouldn't have our imprint—not likely to have our imprint.

Q. What was the cost of the stone and this edition of 6,000 copies of that map? A. The drawing and the edition was \$650; we don't sell the stone,—just the drawing.

Q. The entire work of getting out that edition? A. Was \$650.

Examined by SENATOR SKIRM.

Q. Then in case the other maps were prepared, would it not cost the same amount of money in some other establishment to have that stone cut in the same way? A. I should think so.

Q. Now the question is asked behind me here, whether if there was only 6,000 printed and 6,000 used in one year, where were the other maps secured between 1888 and 1892?

Mr. Corbin—I don't suppose this witness is competent to show that.

Senator Skirm—Have you been able to show that?

Mr. Corbin—I tried to find out from Mr. Betts.

Senator Skirm—Well, he didn't know anything, apparently, only what he wanted to know. But my question is on the line of whether there was another map that you have in your possession, or any copy that has been printed by any other concern except this one, between 1888 and 1892?

Mr. Corbin—I have no other, sir.

Q. Then, of course, it couldn't have been printed unless you knew that it had been printed? A. Not in our establishment.

Q. And if they were printed in any other establishment they would have somebody else's imprint upon them? A. Yes, sir.

Senator Skirm—As I understand, the next map is 1892 and 1893?

Mr. Corbin—The next map is the one that has no imprint at all upon it indicating who made it. It is marked "Copyrighted in 1892," but it bears the figures on it, across the face of it, 1893 and 1894. I have obtained all that I could obtain; I have sent for copies of all the maps that there were in the State Board of Assessors' office, and these that I have produced are all that have been returned to me.

Senator Ketcham—Is there any evidence that when these books went out from year to year that the map went with them?

Mr. Corbin—No; they were not distributed in that way; they were separate.

Senator Ketcham—Isn't it the same old six thousand right along?

Mr. Corbin—I don't know.

Senator Skirm—You don't mean to charge Mr. Van Cleef, or the State Board of Assessors, by any means, of publishing 6,000 one year and continuing that on without furnishing the maps?

Mr. Corbin—I don't think that ought to be charged until Mr. Van Cleef has been allowed an opportunity to explain. If others were printed from this stone in addition to these 6,000, what would be a fair price for printing such an edition, the stone being still in existence?

Witness—Probably from \$360 to \$400; in that neighborhood; I wouldn't know what the original drawing cost.

Recess.

Mr. Corbin—I understand that there are witnesses here who desire to return to-day who were summoned from the southern part of the State and who cannot return to-day unless they are examined soon. Therefore, at the suggestion of some of the members of the Committee, with your permission, I will suspend the examination that we had in progress before recess and take up this other matter.

The matter to which I wish to call attention is one which involves certain revenues of the School Fund.

An act was passed in 1871, which will be found in the Revision, page 140, for the better enforcement of the laws regulating the oyster and clam fisheries in the Delaware Bay and Maurice River Cove, and in that act there were provisions of law which require, under certain conditions, the payment of a portion of the revenues arising from the oyster fisheries into the State School Fund. I am informed that no moneys have ever been paid into the State Treasury for this fund for the use of the Public School Fund. I will briefly review the act so that it may be understood by those who may not be familiar with it on the Committee.

The first section, which is found on page 140, provides for an assessment upon the boats catching oysters in those waters to be levied each year; the amount of the

assessment to be regulated by the tonnage of the vessels, and to go into an oyster fund, so-called.

By the second, third and fourth sections of the act it is provided that there should be an officer, to be known as the Special Officer of the Oyster Association, to enforce this law. His duties are defined by the act, and the expenses of his employment, and other expenses of the association, are to be paid out of the fund, of which careful accounts are to be kept.

Section fifth provides that there shall be an officer to be known as the Collector of the Oyster Fund, with power to assess and collect the tonnage fees, and to issue licenses. He is to pay the salary of the special officer, and is to take five per cent. of all sums collected for certain services.

Section six requires the Collector to give bonds, which shall be recorded with the County Clerk of Cumberland county, in the sum of two thousand dollars. He is to record all licenses, to keep a record of his transactions and of his receipts and disbursements, and is annually to report to the association. The association is composed of those who are engaged in the oyster fisheries in those waters, and they meet annually now at Port Norris, and formerly at some other point, and elect their executive committee and provide for the election of their collector and special officer, and the voters in that association are those who are engaged in these fisheries.

In 1873 a supplemental act was passed, which will be found on page 142 of the Revision, which in the first section changes the amount of the assessment, which was originally 50 cents per ton of the tonnage of the vessels.

Sections six and seven make further regulations as to the license fees to be paid, and in section eight, page 144, is the following provision :

“ That whenever at the end of any year the sum arising from the oyster fund, after all expenses are paid, shall exceed the sum of two thousand dollars, it shall be the duty of the collector of the said fund to pay the same to the treasurer of the state of New Jersey, to be applied to the school fund of said state ; the first payment to be made to the said treasurer on the first Tuesday in March, one thousand eight hundred and seventy-four.”

So that that act has been in force for twenty years, and this would be the twenty-first year, when a payment should be made into the treasury, if the revenues are sufficient. As I have said, nothing has ever been paid in.

By the act of 1875, page 144 of the Revision, section 56, it is provided that the annual meeting be on the first Tuesday of March, at Port Norris.

By the act of 1877, the supplement to the Revision, page 114, it is provided that the license fee may be increased to a tax as high as two dollars per ton, and shall not be less than 50 cents per ton.

By the act of 1882, supplement to the Revision, page 116, there are further regulations of the annual meeting, the election of officers and the auditing committee, and also relative to the amount of the assessment. The secretary of the meeting shall keep a true record of the annual meeting.

Section 12 of that same act provides that the auditing committee shall fix the salary of the special officer and collector, superintend the expenditure of the money and inspect the books and accounts of the special officer and collector, audit the accounts of said officer and of the special officer and collector, and shall not spend any moneys except upon the written approval of the chairman of the auditing committee. It is provided that the auditing committee shall make detailed and itemized reports in writing of the meeting, the receipts and disbursements, which shall be published in one or more newspapers in Cumberland county.

In the 15th and 16th sections it is provided that the special officer and collector shall turn over to their successors all moneys, books, vouchers, &c., and the special officer to be under bonds of \$2,000.

In 1886 an act was passed, page 120, section 34, authorizing the captains at their meetings to vote appropriations for shelling the oyster beds. In 1886 the same act, section 36, the titles of all these people were fixed; the officer called the Special Officer of the Oyster Association, the collector is called the Collector of the Oyster Fund, and the committee is called the Auditing Committee of the Oyster Association.

In 1890, page 77, further regulations of the election; they are provided to be held from 10 to 3, at Port Norris, with judges of election, &c., and then the man-

agement of the concern is changed to an executive committee of five, to hold office one year, who have all the powers of the former auditing committee; they elect a special officer and fix the amount of the annual tonnage tax, and have power to divide the grounds into districts, and power to patrol by steam or sail vessels the waters. They have power to revoke licenses and condemn vessels for violation of the act, one-half of the proceeds of all condemnations to go to the School Fund. There is a fine provided of a thousand dollars for certain violations, one-half of which goes to the School Fund; in this same act are certain penalties provided, \$200 for failure to mark the grounds, of which half goes to the School Fund; \$200 for failure to put the number upon the vessel, of which one-half goes to the School Fund.

In 1893, the laws of that year, page 503, the State Commission was created, which divides the State into districts; that does not supersede this association at all, but I mention it as touching the same subject.

In the act of 1894, to which I wish to call the special attention of the Committee, page 418, it is in the first section provided that the executive committee shall meet at Port Norris, on the first Saturday of every month, to hear complaints and to audit bills and accounts of the special officer, and any other persons having charges against the association.

Second; the collector shall not hereafter pay out any funds unless the bill or account for the same shall have first been presented, under oath, to the executive committee and approved and ordered paid by them. And these latter sections I particularly wish to call to the attention of the committee: "The executive committee shall be entitled to receive as compensation for their services not exceeding five dollars per day for each member of the committee for each day which he shall attend, and it shall be and they are hereby authorized to expend the moneys of said association now in the hands of the collector of said oyster fund, and such moneys as may hereafter come to his hands, for such purposes as will, in their judgment, promote the interests of the greater number of persons lawfully engaged in catching, planting and growing of oysters in said Delaware Bay and Maurice River Cove, provided that a majority shall concur."

In the fourth section, "Nothing in this act contained shall in any way invalidate any action heretofore had or taken by any such executive committee in good faith; nor shall they, or the collector of said oyster fund, be held accountable for or called upon to account for any moneys heretofore expended by them or him for the interest of said association, or of the majority thereof, but all such expenditures of money are hereby validated, provided that the accounts have been presented and published."

Just what the purpose of that last act was, and why the committee should apparently be relieved from the duty to account for moneys in their hands is not clear to me, but I think some light is thrown upon it by some of the evidence which may be adduced and the examination of some of the accounts.

BENJAMIN CAMPBELL, SWORN.

Examined by MR. CORBIN.

Q. Where do you reside? A. I reside at Bivalve, New Jersey.

Q. Are you the collector of the Delaware Bay and Maurice River Cove Oyster Association? A. Yes, sir.

Q. How long have you been collector? A. I think about eleven years.

Q. Who was secretary of the last annual meeting, held a few weeks ago? A. Charles McClain; he was the secretary last year.

Q. Who was the secretary this year? A. Benjamin Roray.

Q. Who acted at the meeting you held in March last? A. I think he did.

Q. Have you brought with you the books of the Association? A. Yes, I expect they are all here.

Q. Where are they? A. I haven't found them; I had them expressed this morning up here to the State House.

Q. Have you got your accounts as collector here? A. They are in with them; everything away back is here.

Q. Where did you express them from this morning? A. From Bivalve.

Q. They have not yet reached the State House, I suppose? A. I think not; I haven't heard from them.

Q. Have you annually made out an account at the time of the March meeting and laid it before the Association? A. Yes, sir.

Q. To whom did you hand that for audit? A. To the Executive Committee.

Q. And they then lay it before the meeting, do they? A. Yes, sir.

Q. They really control your expenditures, as the matter is now managed, do they not? A. Yes; I have nothing to do with it—only my own personal accounts.

Q. Don't you hold the funds? A. Yes, I hold the funds, but I don't have anything to say about it.

Q. Do you pay them out by check or in cash? A. In cash, and sometimes check; I have to pay cash mostly.

Q. But you simply pay out what they order you to pay? A. Yes, sir.

Q. On bills? A. Yes, sir.

Q. Do you keep vouchers? A. Yes, sir.

Q. Have you always kept vouchers? A. Yes, sir.

Q. The annual report, after it is audited by the committee, is published in the Cumberland papers, is it not? A. Yes, sir.

Q. I show you the "Daily Pioneer," of Bridgeton, of March 26th, 1891; see if this is your annual report printed here on the second page? A. Yes, sir.

Q. Also the "Daily Pioneer," of March 29th, 1892; is that your annual report printed on the second page? A. Yes, sir.

Q. Also the "Daily Pioneer," of March 28th, 1893; is that your report on the second page? A. Yes, sir.

Q. Also the "Bridgeton Evening News," of March 24th, 1894; is this your report upon the second page? A. Yes, sir.

Q. And I also show you part of the "Pioneer," of March 22d, 1885; is this the report upon the last page? A. Yes, sir.

Q. Who makes up that report? A. Why, it comes from the vouchers, I suppose, that I have.

Q. Who makes it up—who writes it up when the time for the annual meeting comes? A. Taken off from the book.

Q. Do you do it, or does the committee do it? A. The committee does it; that is, they have to present it to the meeting.

Q. You have never, in any of these reports, shown a balance as great as two thousand on hand, have you? A. Not that I know of.

Q. And never, since you have been collector, have you paid anything into the State School Fund, have you? A. No, sir; I think, too, since I come to think—I can't tell, I don't know how—I don't remember: my books shows it, you see.

Q. You don't remember whether you paid into the State School Fund? A. I remember that I have not; I know that.

Q. What is it you don't remember? A. I don't remember the exact surplus that was on hand; my books would show that.

Q. These accounts ought to agree with your books? A. They will, no doubt; I have my books to go by altogether and what-

ever they are, it is what has been, but I don't remember it in my head.

Q. In this report of March, 1892, I see an item near the bottom of the report, "balance in the Collector's hands last year, \$2,005," and right below it "Money reserved for Harris and Lee case last year, \$500;" those two sums appear to be added to the amount of your receipts that year; now those make \$2,505; how is it that there was nothing paid into the School Fund that year? *A.* Well, I can't tell you; I remember that amount, but I can't tell you why, because I—

Q. Those are made up by the committee, aren't they? *A.* They are altogether in the committee's hands; I have to work under them.

Q. But I see by referring to a report of the then previous year, which will be 1891, that the balance stated in your report here was only \$1,270; can you explain how it is stated there in 1891 to be \$1,270, and here appears to be \$2,500 and odd in 1892? *A.* Well, I don't know that I can.

Q. Those reports in fact are made out for publication by the committee, are they not? *A.* They are taken off from the books.

Q. By you or by them? *A.* Well, they have the report to make, yes sir; they have it to read off.

Q. This appears to be the report of the Association itself; it doesn't appear to be your report. Can you explain how that discrepancy occurred? *A.* Well, I can't tell you that unless I have my books; my books explain it exactly.

Q. You remember, you say, that there was \$2,005 on hand one year? *A.* I think there was.

Q. And \$500 more, which was reserved for some special purpose? *A.* I don't know anything about that; probably the committee knew about that, whoever they were.

Q. Was the money in your hands? I will show you what I am referring to (showing witness paper). *A.* No, sir; it was not in my hands.

Q. In whose hands was it? *A.* Well, that I can't tell you; it might have been the committee's hands.

Q. Who were the leading persons in the committee during 1891 and 1892? *A.* I don't remember the names of any in 1891.

Q. These reports don't seem to be signed.

Chairman Voorhees—Did you actually prepare the report, or was the report prepared by some one acting for the committee; was it your usual custom to prepare

the reports yourself, or entrust the preparation of it to some one else?

A. No; I prepared it myself.

Q. (By Chairman Voorhees)—Wasn't it submitted to some one else to put it in ship-shape? A. Yes; to the Executive Committee.

Q. I see here \$115 in the report of March, 1892, "Received percentage on lost money of last year." What was the lost money of 1891; was it the failure of a bank? A. Yes, sir.

Q. Well, how much was lost? A. About \$600, a little upwards.

Q. Who had that money at the time it was lost? A. What was the name of the bank?

Q. In whose name did it stand in the bank? A. I think the association's name—in my—

Q. Well, be careful; if you remember, whose name did that money stand in on deposit in the bank; do you recollect? A. I think in mine, collector of the Oyster Association.

Q. And it was lost by the failure of the bank? A. Yes, sir.

Q. And the association allowed it to you as a loss? A. Yes.

Q. And when the bank afterwards paid that \$115 dividend it was entered in the account as a receipt? A. I turned it right in.

Q. That is what that means, is it? A. Yes, sir; there are two dividends.

Q. They never got it all back, did they? A. Not quite.

Q. I see that the report published last month shows a balance on hand of \$1,278.96; as a matter of fact, you had something over \$2,400 on hand, didn't you? A. There was altogether; yes, sir.

Q. Last year you levied a tax of a dollar and a half a ton on the boats, did you not? A. Well, there was a dollar and a half, yes, sir; it was to be a dollar.

Q. And collected accordingly? A. Yes, sir.

Q. And did you not last year collect something over \$13,000, including what you had on hand at the beginning of the year? A. Perhaps I might, but I wouldn't say to just the amount, because I was depending on my books altogether.

Q. This report says "To balance in hand from last year, \$1,996.97"? A. There were two—

Q. The tonnage tax received since the last report, exclusive of the extra assessment for special purposes, \$7,594.81, making the total receipts acknowledged here \$9,591.78. Now, didn't you in fact receive 50 per cent. more than that, and isn't this \$7,594

simply a dollar a ton on the tonnage that was licensed? A. Yes, sir; well, there was two—one at a dollar and one at half a dollar.

Q. In other words, you took a half dollar off and set it aside as if it were a separate license fee? A. Yes, sir.

Q. Well, as a matter of fact, when the boats came to you to be licensed last year you didn't license any boat for less than a dollar and a half, did you? A. No, sir.

Q. And nobody could get a license for less than that? A. No, sir.

Q. And the license fee of a dollar and a half was levied under these acts that I have read, by the association, wasn't it? A. Well, I don't know the proceedings of the meeting, how it was to be raised, or what purpose.

Q. Do you attend the meetings of the executive committee? A. Not all the time, no, sir; that is done by the meetings.

Q. This report which I have shown you then simply gives an account of a dollar a ton, but excludes the additional half dollar a ton which was really levied and collected, doesn't it? A. There was a report of a dollar, and then there was a half dollar.

Q. (By Chairman Voorhees)—Was that reported; was the half dollar reported? A. I don't know; it is in mine.

Q. I am not questioning your good faith about it at all; I only want to get it at the facts; I am satisfied you have done just as they ordered to be done? A. I have done just as the counsel for the association—

Q. Who was it that directed you to do so; who was the counsel who gave these directions? A. I don't know who had them.

Q. What is the name of this counsel of whom you have spoken? A. Walter H. Bacon.

Q. So that your books, if they were here then really show your receipts of last year to be 14,000 and odd dollars, instead of \$9,500, do they not? A. I think thirteen and something, and eleven and something. You see, mine is separate.

Q. They ordered you to put it separate? A. Yes, sir.

Q. But taking the two funds together, you had on hand at the March meeting something more than \$2,400, did you not? A. I judge I had, although I didn't reckon that way; all that I knew about that is it was two separate funds, and thirteen in one, I think, and eleven in the other.

Q. (By Chairman Voorhees)—Did they ever tell you why they separated them that way, ever give any reason for so doing? A. Well, I don't know as I can answer that question, only it was raised—it seemed to be raised as a separate fund to be used for certain purposes.

Q. (By Chairman Voorhees)—Did you ever publish through the public print an account of that 50 cents a ton fund? *A.* Not that I know of; I didn't have it published myself.

Q. Did the executive committee publish it? *A.* I don't know about it; I don't know whether they did or not.

Mr. Corbin—There is just this reference to it; the beginning of the report is in this form: "Annual Report of the Executive Committee of Maurice River Cove and Delaware Bay Oyster Association for the year ending the third Monday in March, eighteen hundred and ninety-five. Your Executive Committee make the following report of receipts and disbursements for the past year: Benjamin Campbell, Collector of the Oyster Fund, in account with the Maurice River Cove and Delaware Bay Oyster Association." Then follow the figures, dated March 18, 1895, signed by Mr. Campbell.

"We, the undersigned, have audited the foregoing account and find the same correct as to charge and discharge thereof, with vouchers for the several payments, duly sworn to and approved, and with a balance on hand of twelve hundred and seventy-eight dollars and ninety-six cents.

"We would further report that the extra assessment of fifty cents per ton has been applied to the uses and purposes for which it was specially assessed and collected.

"All which is respectfully submitted, this eighteenth day of March, eighteen hundred and ninety-five.

"HARRISON HOLLINGER, Chairman,

"WILLIAM T. WHITAKER,

"CHARLES H. HOWELL,

"JAMES O. SHEPPARD,

"CHARLES McCLAIN,

"Executive Committee of Maurice River Cove and Delaware Bay Oyster Association."

Senator Skirm—Does it state what the special purpose was?

Mr. Corbin—No, sir.

Examined by CHAIRMAN VORHEES.

Q. Why didn't they publish the amount that was received—do you know, Mr. Campbell? *A.* No, sir.

Q. Was there any reason for concealing it? *A.* No, sir, not any; it isn't concealed in any shape that I know of.

Q. What was that 50 cents additional levied for? *A.* Well, the minutes of the meeting will show that.

Q. Don't you recall why it was levied? *A.* Well, I don't know that I can put it just right.

Q. Wasn't there a good deal of objection against it on the part of boat owners? *A.* Yes, sir.

Q. Didn't you have to give them a reason for it? It was rather an unpleasant task; everybody was finding fault with you for sticking on this great tonnage tax. *A.* It was the association that did it.

Q. Did you always take refuge in the excuse that the association ordered it, or did you tell them why the association ordered? *A.* I always told them why whenever I knew it.

Q. Don't you know why the extra 50 cents was levied? *A.* For the protection of the association.

Mr. Corbin—It was to fight some legal battles, wasn't it, against the riparian owners.

Witness—Yes, sir; something like that.

Senator Herbert—Did you write the report Mr. Corbin has just read?

Senator Skirm—Didn't the counsel of the association write it?

Witness—I did.

A. (By Senator Herbert)—In the language in which it is written? *A.* Yes, sir.

Q. (By Mr. Corbin)—The heading there—didn't the attorney get that up for you?

Chairman Voorhees—Mr. Herbert wants to know if the attorney didn't prepare that for you—the report.

Q. (By Senator Skirm)—You made your report to the committee and this is the committee's report? *A.* Yes, sir.

Q. (By Senator Herbert)—It isn't your report? *A.* It is just like mine.

Q. (By Chairman Voorhees)—It has the same items?

Q. (By Senator Skirm)—But what Mr. Herbert meant was this—that after you made up your report of the figures and facts, then the counsel or the executive committee put it in proper shape for this report. *A.* I writ out—I had my clerk writ out the report.

Q. (By Senator Herbert)—That was to the committee? *A.* Yes, sir; that was to go into the meeting; yes, sir; that was to the committee.

Q. (By Senator Skirm)—Then this item here that is published here, is this just in the language that you used precisely, and you

made this yourself, or your clerk made it, or did the committee make this up and make this statement afterwards? *A.* This tallies with my book.

(By Senator Skirm)—What I want to know is, whether the counsel didn't make this up after you gave him the facts? *A.* I presume he did; I don't know.

Examined by MR. CORBIN.

Q. Then these figures are all taken from your book? *A.* Yes, sir.

Q. But the report of the executive committee which is added at the end, and their preface at the beginning, are something that they wrote and had prepared, are they not?

Q. By Senator Skirm)—Don't you know whether you wrote that or not? *A.* Yes, sir.

Q. (By Senator Skirm)—I think I could understand very clearly—if I wrote a report I would know whether it was my wording or the wording of somebody else. Now don't you know that that executive committee, or the counsel, or somebody else, wrote that, and that you didn't write it? *A.* I didn't write it; no, sir.

Senator Skirm—That is all right; that is what I wanted you to say; that is what I would do—get somebody else to correct my statement, or put it in shape.

Q. I see your executive committee, when they met, got about \$25 a meeting; that is \$5 apiece for the five, I suppose? *A.* Yes, sir.

Q. Well, now, I observe that when they met on the 16th of March, 1894, they charged up for that meeting—that was the last meeting of the year—\$32.50, and that that left on hand as the balance of the year, \$1,996.97; now, if that meeting of the committee had been as cheap as the rest, and had cost only \$25, there would have been a couple of thousand dollars there for the State. wouldn't there? *A.* Indeed, that is not my—to the best of my knowledge, I don't think any of them knew how it was coming out until they settled up on the last day.

Q. What made that meeting cost more than the rest? *A.* Indeed, I couldn't tell you.

Q. I see this last year that your legislative expenses at Trenton were some \$849; What was the occasion of sending anybody up to Trenton?

Chairman Voorhees—You needn't be afraid of the Committee; speak right out.

Q. Speak right out, Mr. Campbell; we are not after you. A. Well, I can't tell you; I don't know anything about it—nothing outside of my work; I can tell you all about what I did, but I don't know what other people did.

Q. (By Chairman Voorhees)—But you had to pay out the money? A. Yes, sir.

Q. (By Chairman Voorhees)—You got your vouchers sworn to? A. Yes, sir.

Q. (Chairman Voorhees)—Can't you tell us what it was for? A. Yes, sir.

Q. Did you go up to Trenton? A. No, sir; this is the first time I was ever in Trenton; I have been in business quite a good while, but I have never been in Trenton before.

Q. (By Senator Skirm)—When was that expenditure of \$800?

Mr. Corbin—I was just going to call attention to the items; there were several items of it. On the 26th of April, 1894, expenses of delegation to Trenton, \$43.75; June 6th, expenses in the matter of Assembly bill No. 383 and Senate bills 131 and 268, and in connection with the oyster commission, \$364.24.

Senator Skirm—Wouldn't it be in order to ask Mr. Campbell what those expenses were for?

Q. Yes; what was that \$364 for; what is the fare from Port Norris up here and back? A. It cost me \$2.75.

Q. About three dollars? A. Yes, sir.

Q. Well, if you had another three dollars for hotel bill, making it six, that bill would have brought sixty of them, wouldn't it? A. Yes, sir.

Q. (By Senator Skirm)—Wasn't there a very large delegation here at that time? A. No doubt; I don't know anything about that. I can't tell you anything about it; there was a delegation, that is all I know; that was transacted by some one else, not me; I can't tell you a thing about it.

Q. Were you present at any meeting of the executive committee when they decided to take a hand in that legislation? A. I don't know that I was there.

Q. Do you know whether they opposed or favored it? A. No, sir; I didn't meet with them only once in a while.

Q. Do you know whether they opposed or favored these bills that I mention, these bills that were introduced into the Legislature? A. Why, I supposed that they favored them; yes sir.

Q. "James O. Sheppard, expenses to Trenton, \$22.98," February 28th of the present year; what is that for? A. I don't know.

Q. Let me read you this item. "March 16, 1895, to expenses of delegation to Trenton on Senate bill No. 251, and House bills Nos. 284 and 330; said delegation made several trips to Trenton, \$249.67." Who were the delegation? A. I don't know.

Q. "Expenses of delegation framing bill 330, \$20.35. What delegation framed that bill? A. I don't know.

Q. Does your association own certain vessels that do watching? A. Only one.

Q. What is the name of that vessel? A. "State Rights."

Q. (By Senator Skirm)—Do you keep all these books? Yes, sir.

Q. These large books which you have produced are the records of licenses? A. Yes, sir.

Q. Copies of licenses which you issued to masters of vessels? A. Yes, sir.

Mr. Corbin—I will submit one of them to the Committee so that they may see just how the thing is done. This is the book for 1894, you will observe. Take license No. 293, which is the first one I opened to; you will observe a charge of \$36.95, for a vessel with the tonnage of about twenty-four, at a dollar and a half. The next one is a vessel, \$34.98, license fee on 23 5-10 burden, named the "Annie Rooney."

Q. Show me the accounts of the year 1894, and ending March, 1895. How do you keep your accounts? A. First on sheets or memorandum.

Q. Book, or what? A. Yes, sir.

Q. Have you got those? A. Take them right off my book there.

Q. Take them off from the sheets and enter them in your cash book? A. Yes, sir.

Q. And write up your cash book once in a while when it is convenient, I suppose? A. Yes, sir.

Q. You don't enter in this cash book each item day by day, but write them up from time to time, don't you? A. No, sir; I put them right in as soon as I find them out, what they are.

Q. Who keeps the license book? A. I keep the license book.

Q. Do you sign the licenses? A. Yes, sir; that is all I know anything about, is issuing the licenses.

Q. Now, in this last year have you kept that 50 cents a ton separate, or is it all in one account? A. No, sir; it is separate.

Q. Where is the account? A. That is, the half dollar first went in the book.

Q. So that when you entered it into these cash books you separated the 50 cents and put it in one place, and the dollar in another place? *A.* Yes, sir.

Q. This seems to show that you have a balance of 50 cents a ton tax, \$1,133.18 in hand? *A.* Yes, sir; that is the 50 cents.

Q. And you have kept your dollar tax in another book? *A.* Yes, sir.

Q. Now, when your association met this last March they took a vote, didn't they, on the question of what the tonnage should be this coming year? *A.* Yes, sir.

Q. And they voted in favor of 75 cents a ton, didn't they? *A.* They just suggested that.

Q. Their suggestion was in the form of a vote, wasn't it; wasn't it moved and seconded and carried unanimously that the tax this coming year be 75 cents a ton? *A.* They said it was; I wasn't in the room just at that time.

Q. Afterwards your Executive Committee got together and made it a dollar and a quarter, didn't they? *A.* Yes, sir; they put it a dollar and a quarter; they have that power.

Q. And disregarded the suggestion or instruction of the annual meeting? *A.* Yes, sir; if they did, and I guess they said something about it there.

Q. Have you got the minute book here? *A.* Yes, sir.

Q. Let us see it? *A.* Captain Roray has got it.

Q. (By Senator Skirm)—I notice here that there is a charge for D. J. Pancoast for professional service, a thousand dollars, and W. H. Bacon, a thousand dollars; do I understand that that is a charge that these gentlemen made for one year's professional services? *A.* Yes, sir.

Q. (By Senator Skirm)—And you paid that on the order of the Board? *A.* Yes, sir.

Q. (By Senator Skirm)—Then both these lawyers got \$1,000 apiece for professional services for a year; do I understand that? *A.* Yes, sir.

Q. (By Senator Skirm)—Now, turn back to the year before and see how much they got then. I suppose the idea of that was simply so that this amount should not exceed \$2,000, and therefore if it exceeded too much their services might have been \$1,500 instead of one thousand. It must be profitable to be attorneys in South Jersey as well in North Jersey.

Mr. Corbin—Yes, we try to make it profitable.

Chairman Voorhees—The Senator evidently is not acquainted with this end of the State. We have no

oyster industry in North Jersey, but we have the grocery industry.

Senator Skirm—But in all seriousness, to see such an entry as that, of \$2,000 for legal services for two gentlemen, it seems that it is rather excessive, that is all. Of course you have no option excepting to pay what the Board authorized you to pay.

Witness—That is all.

Q. (By Senator Ketcham)—Why did you need two lawyers for that work? A. I don't know.

Q. (By Chairman Voorhees)—Right below this is another item. I find that there were fifty-three cases in the Cumberland Quarter Sessions. I suppose they performed services in connection with that? A. They had work to do; now, there was work in that.

Senator Skirm—I suppose in addition to that they got their costs. I always find taxed costs in any bill I have to pay, in addition to what the lawyer charges.

Mr. Corbin—I think I can clear that up somewhat.

Q. Your association undertook to defend some fifty-three men who had been indicted, didn't they? A. Yes, sir.

Q. And your executive committee devoted these moneys to the defence of certain individuals who had been indicted by the Cumberland county grand jury for stealing oysters; is that so? A. Well, I don't know what it was; it was all ground that I don't know anything about.

Q. It grew out of the oyster raid, didn't it? A. Yes, sir.

Chairman Voorhees—Some of them had been caught stealing?

Mr. Corbin—I don't want to use hard words, but taking oysters which had not been bought. Doesn't that explain it?

Q. Didn't your committee take one-third of all your fund last year; that is, 50 cents a ton on every vessel, and set it aside to defend certain people who were charged by your grand jury with stealing oysters? A. Yes, sir.

Chairman Voorhees—What authority had they for doing that?

Mr. Corbin—Possibly this act of 1894 that I read to to you.

Q. How many members are there of this association? A. The oyster association? I can't answer that question; there are a power of them.

Q. About how many—a thousand? A. Yes, more than that that is interested, you know.

Q. How many licensed vessels are there? *A.* They vary from about 450—

Q. I saw a report here one year: I think it was seven hundred and something, wasn't it? *A.* No, never more than 500 a year, 450, maybe 455.

Q. Each boat represents how many men on an average? *A.* Well, according to the size of the boat; about three or four men, and some larger boats five or six.

Q. Between one and two thousand men are interested in this association? *A.* More than that.

Q. Do they all have a vote? *A.* Only captains and owners; those are the ones that are most deeply interested.

Q. These criminal litigations which your association undertook to defend grew out of the contest with the riparian owners, did they not? *A.* Well, I think so.

Q. Is there any doubt about it? Isn't that the fact? *A.* There isn't any doubt, but that part I don't know anything about.

Q. You were not one of the indicted men? *A.* No, sir, I wasn't one of the indicted ones—that question I can answer.

Q. This special fund which you have entered in a special book, so far as it has been expended at all, has been expended in litigation, has it not? *A.* I have the bills of them all.

Q. Here is the first item of expenses: Witnesses, \$172; Pan-coast, professional services, \$1,000; W. H. Bacon, professional services, \$1,000; expenses preparing testimony, &c., \$435.87; George —, attending court, \$10.86; schooner J. W. —, for services rendered the association, &c.; total, \$2,657.02. It was all expended in that litigation, wasn't it? *A.* Yes, sir.

Q. And you have got \$1,133 of it in the bank? *A.* Yes, sir.

Q. Are you collecting the new tonnage tax at the rate of a dollar and a quarter? *A.* Yes, sir.

Q. And your captains are taking their medicine and their license, are they? *A.* Yes, sir.

Q. Isn't there a good deal of opposition to that after having voted 75 cents? *A.* There is by some, but that wasn't enough to give them protection, you know, after they get their oysters planted.

Q. You mean the executive committee want protection? *A.* No, sir; the oyster association want it.

Q. Hasn't this matter really fallen into the hands of a few men represented by your executive committee who are at the present moment practically out of sympathy with the great body of your oystermen? *A.* I judge so; yes, sir.

Q. Haven't they taken things into their own hands and run it with a pretty high hand; isn't that the truth about it; I am speaking of your executive committee. A. Well, I can't answer that question, because, to the best of my knowledge, they are all right.

Q. Is the executive committee this year the same as it was last year? A. Yes, sir; well, no, sir; there is one change.

Q. Harrison Hollinger is still your chairman? A. Yes, sir.

Q. William T. Whitaker is still a member? A. Yes, sir.

Q. Charles H. Howell? A. Yes, sir.

Q. James O. Sheppard? A. No, sir; Mr. Roray is in his place.

Q. Charles McClain still there? Yes, sir.

Q. There is only one change then? A. Only one change.

Q. Your association owns one vessel that helps watch? A. Yes, sir.

Q. Now, I see the schooner "R. & A. Smith" is paid \$160 a month for watching. Who owns that vessel? A. The captain of her.

Q. Who is the captain? A. John M. Woodruff, I think his name is.

Q. Your special officer is paid \$175 a month salary? A. Yes, sir.

Q. What does he do? A. He goes day and night, watches this oyster association.

Q. He sails in the "State Rights," I suppose? A. Yes, sir.

Q. Does he carry the New Jersey flag? A. Trying to protect all the association that he can.

Q. And keep other folks from stealing oysters? A. Yes, sir.

Q. The schooner "H. H. Lippincott," \$125 a month for watching. Who owns her? A. Howard Stockwell owns her to-day; she has changed hands since last year.

Q. Who owned her last year? A. John Robbins, I think, while she was watching there.

Q. The sloop "Annie M. Carey," for watching; who owns her? A. I think a man by the name of Gibson.

Q. "William Pollock," for watching in the Bay, \$125; has he got a vessel? A. Yes, sir.

Q. These are all sail vessels? A. Yes, sir.

Q. You have no steam watching vessel? A. No, sir.

Q. The sloop "Claude," one month watching, \$100. Who owns her? A. Two or three owners of her; Captain Terry is one owner; I can't hardly—I could tell you if necessary.

Mr. Corbin—I think I have some figures here that will answer as to what these expenses are really for; I

have classified them for last year; the annual meeting of August 20, that is, the committee meeting:

Annual meeting.....	\$20 25	
Committee meetings	406 50	
Legal expenses—		
W. H. Bacon.....	\$50 00	
D. J. Pancoast.....	100 00	
Suits, costs, &c.....	156 76	
	<hr/>	306 76
Books, blanks and printing.....		72 10
Watching—		
R. & A. Smith, schooner.....	\$1,941 33	
Special officer.....	2,123 33	
H. H. Lippincott, schooner.....	210 00	
William Pollock, schooner.....	1,229 00	
Claude, schooner.....	100 00	
Other watching.....	248 16	
	<hr/>	5,911 82
State Rights.....		436 06
Collector.....		250 00
Sundries.....		147 09
Trenton		763 24
		<hr/>
		\$8,312 82

Q. I see here, "Collector, \$250;" is that all they pay you for all this work? *A.* Yes, sir; that is all I ever have had.

Q. It don't seem as though they paid you as well as this special officer? *A.* They all don't know what this work is.

Q. Now, tell us what these four or five vessels do for this six thousand dollars they get? *A.* Why, they go day and night, patrol the coast after the oystermen plants their oysters.

Q. Sail up and down? *A.* Yes, sir; to watch.

Q. Do they ever catch anybody? *A.* Well, they try to; they think they do once in a while.

Q. Isn't it a fact that you have only captured two vessels—one a Philadelphia fellow, and another, a little one—in the last five years? *A.* I don't know.

Q. You have had two sales of boats, haven't you, in five years? *A.* Yes, sir.

Q. One of them sold for fifty dollars? *A.* Yes, sir.

Q. And the other sold for \$300? *A.* I forget the sum.

Q. Do you remember whether one-half of the condemnation money was paid into the State School Fund? *A.* I don't remember any of it being paid in.

Q. Half of that goes to the School Fund? *A.* I say I don't remember its ever being paid into the association.

Q. You recollect the fact, don't you, of the sale of those two vessels that were seized and condemned? *A.* How long ago?

Q. Do you remember the schooner "White Wing" being seized and sold for \$300 in 1893? *A.* I don't know what she sold for; I remember her being seized.

Q. Wasn't she sold for having a non-resident on board? *A.* I know she was only sold for just what there was against her; she was sold, yes, sir.

Q. Didn't you get the money—doesn't it pass through your books here? *A.* I didn't get any money from her.

Q. Who got the money when she was sold? *A.* Why, as near as I can tell, she only fetched just what the expense it was of selling her.

Q. You mean to say the expense of seizing and condemning that boat cost \$300? *A.* That is the way it is, to the best of my knowledge; there wasn't anything paid in.

Q. Well, then, the sloop boat "Amanda B." was sold for some cause for \$50; wasn't she? *A.* I don't know that she was.

Q. Aren't you the person that does the selling? *A.* I don't have anything to do with it.

Q. Well, you never got any money out of it? *A.* No, sir, never as collector.

Q. (By Senator Skirm)—Or any other way? *A.* No, sir.

Q. Well, have any boats been seized, except those two, in the past five years? *A.* I don't know that there have; seized, did you say?

Q. Yes. *A.* I don't know; Captain Roray maybe knows.

Q. Have any fines been imposed through your association in the past five years? *A.* No, sir; I have never received any.

Q. Well, do you know whether the special officer has prosecuted any of them? *A.* He hasn't won any cases that I know of.

Q. What does he do then, just holler at them when he sees them? *A.* They have tried to, they tried to do something with them.

Q. But have not succeeded? *A.* They haven't never got any money out of it.

Q. Never succeeded in convicting one, you say? *A.* I think they convicted one here not very long ago for stealing, but they didn't get anything out of it only court charges.

Q. Then is the patrol really effectual at all? *A.* Oh, yes.

Q. What do they do when they see a man on the ground

where he ought not to be? *A.* A great many of them were afraid of them; they scare them away.

Q. But suppose they caught a man clearly fishing on the wrong ground, what do they do about it? *A.* If the law is sufficient—

Q. We have the statute book here. Do you mean to say they do nothing more than to warn them to go away? *A.* Where there is evidence for it they try it.

Q. And yet they have made but two seizures in five years? *A.* I don't know how many; I don't remember that they have.

Q. Well, is the patrol really effectual; isn't there great complaint about pilfering and poaching on oyster beds? *A.* Well, there is some complaint of it, but still the watchmen does all they can.

Q. They do? *A.* Yes, all they can, and they are a great benefit.

Q. They have a moral effect? *A.* Yes; the association would like to have more of them, but they don't want to pay any more than they possibly can.

Q. How many months in the year are oysters taken? *A.* All the time, that is, excepting in the summer, two months, then they would if they could, some of them.

Q. Keep these boats going all the year? *A.* Yes, sir.

Q. These guard boats? *A.* Yes, sir.

Q. Are they armed? *A.* I don't know, sir.

Q. Aren't you an oysterman? *A.* No, sir; I am a storekeeper.

Q. But you belong to the association, don't you? *A.* I am a little owner in a boat, a little interested; I would be better off if I wasn't.

Q. Did the subject ever come up before your meetings of paying over some of this money to the School Fund? *A.* No, sir; I never had any talk over it.

Q. It was never mentioned? *A.* No, sir.

Q. (By Senator Skirm)—If these boats were not patrolling the bay is it likely that there would be more stealing than there now is? *A.* The association might as well stop, I think, altogether; if it wasn't for that they would take everything they have.

Q. (By Senator Skirm)—Then it does prevent the stealing? *A.* It is a big benefit; I don't know what they would do.

Q. You think that part of the expense of the association then is beneficial, do you, the watching? *A.* Very.

BENJAMIN RORAY, sworn.

Examined by Mr. CORBIN:

Q. Where do you reside? *A.* Cedarville, New Jersey.

Q. What is your business? *A.* Oystering.

Q. Were you secretary of the annual meeting in March last at Port Norris? *A.* No, sir; Captain Levi Robbins was secretary of the annual meeting.

Q. You, however, entered the minutes and signed them, did you not? *A.* Yes, sir; after the election of officers then I was chosen as secretary.

Q. I see you have entered up here "Collector's salary was placed at \$300 per year, tonnage tax \$1.25 per ton;" there was some discussion about it, wasn't there, and the vote of the association taken on the proposition of 75 cents? *A.* Yes, sir.

Q. How did that result? *A.* Well, the motion was carried to place it at 75 cents by a very small majority.

Q. Why didn't you enter it that way? *A.* Well, because I thought that motion was entirely out of order.

Q. (By Senator Skirm)—Had it been carried. *A.* Yes, sir.

Q. (By Senator Skirm)—And yet you thought it was out of order? *A.* Yes, on account of the law; the law gives the executive committee the sole right to set the tonnage tax, at their own discretion.

Q. And so you entered in the record that the association had voted a dollar and a quarter? *A.* Yes, sir; no, that the executive committee did.

Q. You have got it down here that the association voted it that way. *A.* After the meeting had organized.

Q. You have the minutes all together, have you? *A.* Yes, sir.

Q. The committee meeting? *A.* Yes, sir; after it organized.

Q. After the association had voted 75 cents, you mean to say you omitted that vote, although they had passed it? *A.* Yes, sir.

Q. Because you thought it was not good law? *A.* Yes, sir; that law leaves it to the committee, what the tonnage tax shall be.

Q. I suppose this association of twelve or fifteen hundred or several hundred oystermen have got a right to express an opinion on it, haven't they? *A.* That is true; yes, sir.

Q. But their opinion don't have much weight with the executive committee? *A.* Yes, sir; but there is just a few that didn't want any tonnage tax at all.

Q. But they voted for 75 cents—a majority? *A.* Yes, sir; but a very small majority.

Q. It used to be 50 cents? *A.* Yes, sir.

Q. What makes things come so much higher now? *A.* At that time we had no riparian rights to fight, that is the idea; it seems as though at the present day there are about twenty-five or thirty that have bought up our natural oyster beds.

Q. What do you mean by riparian rights to fight? *A.* The Riparian Commissioners have sold to certain parties our natural oyster beds; they have given them a right to take a part of our natural oyster beds.

Q. And so you want more money to fight the grantees of the Riparian Commissioners? *A.* Yes, sir.

Q. (By Chairman Voorhees)—Why don't you repeal the law, or attempt to? *A.* We have been trying.

Q. Then you have got the Delaware Bay Association into a fight with the Riparian Commissioners of New Jersey? *A.* On account of the Riparian Commissioners—riparian owners.

Q. Actually had a fight down there a while ago, and some guns were fired? *A.* Yes, sir.

Q. (By Senator Skirm)—Nobody hurt, though? *A.* No, sir.

Q. No militia called out? *A.* No, sir; considerable newspaper talk.

Q. There were guns fired on the shore? *A.* It was done for a scare; yes, sir.

Q. I should say it would be a scare; it would be for me, to have a gun pointed at me? *A.* If this money wasn't raised for that purpose our oyster beds would soon go into the hands of a few men.

Q. Here is a resolution passed last March; "on motion, it was unanimously carried that the balance of the amount raised by the 50 cents per ton be retained for the same purpose for which it was raised;" that is, to fight the riparian folks? *A.* Yes, sir.

Q. (By Senator Skirm)—Why don't these folks fight the Riparian Commissioners themselves at their own expense; why do you take the State's money to fight the Riparian Commissioners? *A.* I don't think that we do; we raise this money for that purpose.

Q. (By Senator Ketcham)—I understand these are the revenues of the State you are spending? *A.* No, sir; there was 50 cents a ton raised purposely for that express purpose.

Q. (By Senator Ketcham)—You put that in a separate fund? *A.* Yes, sir; now, there was an injunction placed on our money, and after this injunction was raised, I think it was the State Chancellor—he said that this money, 50 cents, that was raised, must be used for the exact purpose which it was raised for, and it could be raised for no other purpose.

Mr. Corbin—Be careful when you quote the Chancellor, for I have his opinion here.

Q. (By Senator Skirm)—Is that the reason why Pancoast and Bacon rendered a bill of a thousand dollars each and \$400 for

some other expenses? A. Mr. Pancoast and Mr. Bacon has had some have very hard work this year.

Q. (By Senator Skirm)—I should think they had from the amount of the cost. A. That is all true, but at the same time they had some very hard work.

Q. Your association undertook at its own expense the defense of those that were charged with crime, as well as those that were attacked by the Chancery proceeding? A. Yes, sir.

Q. And that accounts for the large legal expense? A. Yes, sir.

Q. Was it the association that determined to do that, or the executive committee? A. To raise this money, you mean?

Q. I mean to undertake the defense of the individuals who were charged with the crime. A. Yes, sir; the entire association.

Q. And after the entire association had determined that, there was a raid made on these oyster beds? A. Quite a number of the oystermen went there, because they claimed that they were working on their own natural premises.

Q. They went to raise the legal question? A. Yes, sir.

Q. And then followed the Chancery suit, and after that the indictments? A. Yes, sir.

Q. Did you ever know of the question of paying this money into the School Fund coming up before your association or your committee? A. I don't know that I ever did.

Q. Were you one of the delegation to Trenton last winter? A. I was, at one time; I think somewhere about the sixteenth of March.

Q. What did they have to spend \$800 for? A. Well, now, then, that is a question that I can't answer, simply because I wasn't a member of the association at that time.

Q. (By Senator Skirm)—You were up here, though? A. Yes, sir; by request of the committee.

Q. (By Senator Skirm)—How did they spend the money? A. That is something I can't tell; I suppose it was for the expenses, traveling up and down; there was quite a large delegation, some twenty-five or thirty men; you take twenty-five or thirty men from South Jersey, and stay here two or three days, the hotel bills and things amount up.

Q. Was it to oppose or obtain certain legislation? A. It was to oppose Bill 251, I believe, which virtually took the power out of the Oyster Association and placed it into the hands of the riparian owners; it was going to take it out of the hands of the many and put it in the hands of the few.

Q. And the Association paid the expenses of their coming up?

A. Yes, sir; that is what it was raised for.

Mr. Corbin—I don't care, unless the Committee desire, to go into it and pursue all the ramifications of this oyster business. The only matter I suppose the Committee is particularly interested in is the matter of the State revenue; and it is quite obvious, even by this surface examination of the subject, that there were two years at least when there were moneys that should have been paid into the School Fund, unless there be some further explanation than has been so far afforded us.

The matter to which this witness has referred, the litigation before the Chancellor, appears in some papers which I have here and can submit. I don't know that it is worth while to discuss it.

It seems that one of the riparian owners filed a bill in Chancery to restrain the oystermen from taking oysters from his lands under water which he had bought from the State and received a deed for. An answer was made to that, and upon the bill, answer and proofs the injunction which the Vice-Chancellor had granted was dissolved on the ground that the equities of the bill were not clear, and that, apparently, there was a remedy at law, and that the answer fully met the allegations of the bill. I have that opinion here, but it simply goes to show that this quarrel is on which the witness speaks of. I believe that was followed by indictments by the Cumberland Grand Jury of a large number of these people who had joined in the raid upon the grounds, and I think those indictments were brought to the Supreme Court and Court of Errors, and if I am correctly informed, they were quashed here by the Supreme Court for some lack of form; but I suppose the Committee doesn't care to follow that up. But there does appear to me to have been some revenue accumulated which ought to have gone to the State. This law seems to be clear that whenever it has accumulated to the extent of \$2,000 it should have been paid over into the School Fund. Now, there is at the present time some \$2,400 in hand. This separation of the tax into two parts does not seem to me to touch the question at all.

There is only one law which authorizes any tax to be levied, and that is the law which I read. They can de-

vote it to perhaps half a dozen different purposes, and the balance or the amount on hand on the first Monday in March is what determines whether the State should have the money or not. There was an act passed in 1894 which I read which is a very peculiar act. I can hardly conceive that the members of the Legislature understood all the bearings of it when they voted for it. It seems to forgive all delinquencies of the past, and then says that they may use the moneys they had on hand, or whatever shall come to their hands hereafter, for any purpose they shall conceive will best serve the interest of the majority.

I am inclined to think that you cannot take away a part of the revenues of the State with any such loose language as that without any express repeal of the part which makes this the revenues of the State; but that would not affect the revenues of the previous years. It seems to me that there should have been some revenue derived from this source. These fines and penalties, whatever they are, go one-half to the School Fund. Nothing has been returned from those, and I am a little surprised at the collector stating that they never have been passed through his hand. I suppose the special officer could explain that, and I will say that I sent a summons for the special officer, but as he was out on the deep, he is not here.

Witness—Would you let me make a few remarks here?

Mr. Corbin—Yes.

Witness—On the 29th day of November, 1893, the executive committee went before the Riparian Commissioners in Jersey City; I accompanied them by request. We went up there and asked them if they had ever given any grants for the purpose of propagating oysters; they said that they never had; they had no right to, and the Governor says, "If I was in the oyster business I should go there and go to work until I was prevented, by building wharves or docks or improving the property;" that is what the Governor said that day, the 29th day of November, 1893.

Mr. Corbin—There is no doubt an honest difference between these people as to their relative rights and the rights of the State, and it is by no means a small question to decide. It grows out of the policy the State has

adopted with reference to the riparian lands; the State has made a number of sales—I think some thirty—of riparian lands, and has given a deed for them; those deeds in form convey every foot of the land on which the water flows, and extend, I understand, some seven-hundred feet from the shore.

Now, on some of these lands there are natural oyster beds where heretofore any citizen could have taken oysters, and a very nice question arises whether the State of New Jersey has conveyed those oyster beds. Of course, this tribunal isn't here to settle that question, but it is quite obvious that there is a real question, and one involving quite serious consequences, with reference to riparian lands pending between these people, but I suppose the Committee will not care to concern itself in anything further than the revenues of the State.

Chairman Voorhees—Unless some suggestions could be made relative to legislation.

Mr. Corbin—It opens the question which Senator Daly's bill opened, and is for Senators to argue, rather than counsel. It opens the question of the policy of the State with reference to the riparian lands—a very serious question.

Witness—If this controversy had not arisen, the probabilities are that the Delaware bay oyster industry would have been in the hands of a very few men. There is one thing I would like to make a little straight on that surplus in 1892, when there was a surplus of \$2,005 and the \$500. At the time there was an oyster trial pending in the court, with an expense supposed to be about \$500, and that was taken out at that time for our counsel. Our counsel at that time was Potter & Nixon, and to-day they are opposing us; at that time they advised us to do that thing; that is why we reserved that out.

Q. The \$500? A. Yes, sir; there is really, according to the books, five dollars that belonged to the State.

Q. That isn't the law. The law is that the oyster fund, when it amounts to as much as \$2,000, shall be paid into the State Treasury. A. After all expenses?

Q. Yes; after the expenses are paid. A. Yes, sir.

Q. That you should pay your expenses and close it the first Monday of March.

JOHN T. VAN CLEEF, sworn.

Examined by MR. CORBIN.

Q. You are the Secretary of the State Board of Assessors?

A. Yes, sir; I act as Secretary of the Board; yes, sir.

Q. You have been from the time of their formation, in 1884, have you not? A. 1884; 11 years.

Q. I show you "Exhibit No. 208," being map of railroads of New Jersey, 1887. Was that map compiled by you and Mr. Betts? A. Yes, sir; it was compiled by Mr. Betts and myself—the original of it.

Q. This is the original that I have here, I suppose? A. Yes, sir; that is the hand drawing of the map.

Q. And it was from that that the plate was prepared for the other? A. Yes, sir.

Q. That is "Exhibit 207." And who printed it for you at first? A. Who printed it for me?

Q. Or for you and Mr. Betts, or for whoever it was printed for. A. I think it was—I don't remember—it is Wylie and—

Q. I call your attention to the imprint on the corner, "H. A. Thomas & Wylie, lithographers." A. Yes, sir; Thomas & Wylie.

Q. This first edition was printed in 1887, was it not? A. Yes, sir; I think it was; I am not sure about the dates.

Q. Mr. Ingraham, the manager of the concern, or the successors of that concern, testifies that an edition of 6,000 was printed in the latter part of 1887, I think? A. I think it was 10,000.

Q. His testimony was that it was 6,000; you think the first edition was more than 6,000? A. Yes, sir.

Q. Have you the invoices or the bills for it? A. No, sir; I have not, but I think that was given to us, the stone was imported; it was a large stone, and it was imported, they told me, and I think the edition was 10,000; I am not sure about that.

Q. You have no record to show what it was? A. No, sir; I have not.

Q. Did you ever obtain any further edition from that house of this map? A. No, sir.

Q. This is the map, is it not, that accompanied the report of the State Board of Assessors in 1887? A. Yes, sir; that was the extravagant map; that is the map that cost so much money.

Q. How much money did it cost? A. I don't know, sir; I can't remember; I have just got here; I have just been subpoenaed; I don't know how much it cost; I could tell you, though, I think.

Q. I see there is a mark on the back of this, and I think the clerk told me that you marked it 1888 to 1890? A. Are you going to take advantage of that?

Q. Not at all, I was going to ask you what it was; I only want to get at the fact about it; is that the map which accompanied the reports for those years? A. I am not quite sure about it; I have only got my subpoena about half an hour ago—it wasn't a subpoena at all; I haven't been subpoenaed.

Q. No, out of courtesy we have not subpoenaed the State officers; of course you are entitled to your witness fee, if you want it. A. I don't care for that.

Q. There was subsequently made, was there not, a copy of this map somewhat reduced? A. Yes, sir.

Q. Look at the one which I now show you? A. Yes, sir; two copies I think it was; we had two copies made.

Q. This is made—copyright 1892 by Van Cleef & Betts; it was in the year 1892, was it not, when this reduced copy was made? A. I don't know, sir.

Q. Can you tell by anything you have to refer to? A. I might; yes, sir.

Q. This was corrected up to that date, was it not, when it was reproduced by the adding of the new railroads that had been constructed? A. Yes, sir; we added the new railroads.

Q. And this was photographed from the other and made by this other process, was it not? A. No, it was photographed from the old map.

Q. From the original map? A. Yes, sir.

Q. You laid the new railroads that had been built, upon the old map? A. Yes, sir; I believe that was the way we did it, or else it was photographed from the copy of this map.

Q. Either this or a copy? A. Yes, sir; either that or a copy of it.

Q. I call your attention to Sandy Hook, to an old railroad running up to Sandy Hook; I see the original does not contain the new line of the Central built up to the Atlantic Highlands. A. I am very sorry about that.

Q. But the printed one does; you are all right on that. So that the photograph must have been taken from the copy, must it not, rather than from this? A. Perhaps it was; yes, sir; taken from the copy.

Q. It could hardly have been taken from this then, with that omitted? A. No.

Q. You will see by looking at the printed copy of 1892 that it is correctly stated there? A. Yes, sir; I see that.

Q. This second one, which I now have before you, is printed upon metal, is it not? *A.* Yes, sir; on metal.

Q. You never had any second stone made? *A.* Oh, no; the stone was taken directly from the original map.

Q. The map which you first made was printed from the stone by the Wylie people? *A.* Yes, sir.

Q. The one which you had made afterwards, in 1892 or thereabouts, was put upon metal and was somewhat reduced? *A.* Photo-lithograph, yes, sir.

Q. Have any other plates been made except those two—one upon stone and the other one upon metal? *A.* I don't remember.

Q. Don't you remember who you ordered it from? *A.* No, sir; I do not.

Q. This one which I am showing you, "Exhibit 210," has the years 1894-5 upon it; I show you another one without color which has 1893-4 upon it? *A.* Yes, sir.

Q. Showing that at least the title must have been changed? *A.* I don't recollect.

Q. Is there any difference between these two that are now before you except in that date? *A.* I don't think there is.

Q. And the name of the State Board of Assessors? *A.* I don't think so; there might be a change here of a certain railroad in Cape May; I don't know whether there is or not; I haven't had time to compare it.

Q. Will you look at it and see if there is any change? *A.* The maps are all changed in the office; if there was a new road we put it on without ink in the office, if there was any change; I thought there was a change here; no, I don't think there was any change in this at all.

Q. So that really there are two maps in existence, first, the one on the stone plate, and second, the one upon the metal plate? *A.* Yes, sir.

Q. And that is all, isn't it? *A.* Yes, sir.

Q. This map on the metal plate hasn't really been corrected down to the present date, has it; that is, from 1892 to the present time? *A.* Except the extension of the Mendham branch of the Raritan River Road and the Rockaway Valley. The only thing is the Rockaway Valley, I think, and that was done by ourselves in the office.

Q. You say that is not upon this map? *A.* I don't think it is; it runs up from White House there.

Q. Isn't this it, running up from White House to Mendham? *A.* Yes; but the extension, I mean, of the Raritan River Road and the Philadelphia and Reading Branch; the Port Reading

isn't on; the Port Reading we put on in the office, with our own mark; of course it is unfair to examine me upon this map, because it is completed in the office.

Q. I don't wish to be unfair; this is the one which is dated 1894-5; I assume that that is the last one that has been printed, is it not? A. Yes, sir; I think so.

Q. If there is anything later I would like to have you bring it; I draw your attention also to the fact that across Newark Bay the new line built by the Lehigh Valley has not been laid down, which, you are aware, has been in existence for the last three years? A. Did you ever draw a map?

Q. No, I never did. A. It is a pretty tough thing to do; I couldn't get it in there; the neck was so small I couldn't get it in without destroying the whole line of the map.

Q. The Perth Amboy and Raritan, which is some five miles long, from Perth Amboy to a point opposite New Brunswick; I don't see that; that, I think, has been constructed between two and three years; I am only asking you these questions to fix the date to which this map has been brought up? A. It was brought up as far as we could get it with our other maps in the office. This was not a map that we swore by; it was an amateur's map, made by myself and Mr. Betts; we spent a great deal of time over it.

Q. But it really has not been brought down beyond the year 1892 has it? A. Yes, it has.

Q. Beyond 1892? A. Yes, I think beyond 1892.

Q. What has been entered upon it since that? A. Well, there were some changes; I can't point them out; there were, in the first place, the Rockaway Valley road is put on, that has been since then.

Q. Is that the road built by Mr. Pidcock, or known as Pidcock's road? A. Yes, sir.

Q. That was built about 1890 or 1891, was it not? A. Are you asking me?

Q. Yes, do you recollect? A. No, sir; I do not.

Q. Did you not consult the filed lines of these railroads in locating new ones upon it? A. Yes, sir; we wrote for them.

Q. Well, they are in the Secretary of State's office, are they not? A. Oh, no, Mr. Corbin; they are on a larger scale than we have; we couldn't utilize those at all; we couldn't utilize the maps in the Secretary of State's office to get up our map that we had to send out to the people with our report.

Q. Well, so far as I have been able to examine these maps, I find, first, this map of 1887, and then the map which I call the

map of 1892; it is marked copyrighted that year, but all the maps that have been produced seem to be either one or the other. If there are any additions, and there is any third one, I should be pleased to have you point it out? *A.* It isn't very much trouble to put a railroad on a map.

Q. Indeed it isn't; but what I am asking you is, whether there is or has been any, except the two I have mentioned: first, the stone, made in 1887; and second, the plate, made— *A.* That is all there has been.

Q. (By Chairman Voorhees)—Was the stone changed from time to time? *A.* We fixed the maps up, in the office, to suit us.

Q. (By Chairman Voorhees)—That is, only for office use? *A.* No; to send out.

Q. (By Chairman Voorhees)—Did you send out 6,000 maps? *A.* We never sent out 6,000 maps in a bulk; we didn't change 6,000 maps, that I know of; I don't know that 6,000 were sent out. They continually wrote for maps of the railroads of the State; they were all printed and all delivered; and when they wrote for maps, I think we wrote for maps; when they would write for reports, we would send out two or three to every report.

Q. (By Chairman Voorhees)—I may have misunderstood your answer to a question asked by Mr. Corbin? *A.* We tried to regulate the maps by our own process in the office.

Q. (By Chairman Voorhees)—Did you have a new plate and print from a new plate every year? *A.* No, sir.

Q. (By Chairman Voorhees)—Well, then when you have a number printed for the year 1894, you find out that you have got to change those maps, do you not? *A.* Yes, sir; we try it; we do the best we can.

Chairman Voorhees—Now, the State paid for how many thousand last year, Mr. Corbin?

Mr. Corbin—Last year, 3,500.

Q. (By Chairman Voorhees)—Do I understand that the office changed 3,500 maps? *A.* No, I don't think they did, quite as many as that, but we tried to change as many as we could.

Q. (By Chairman Voorhees)—Let me read from the report of the State Board of Assessors—who gets these up?

Q. (By Senator Daly)—Who makes the changes? *A.* I do, sir, with Mr. Harrison's help.

Q. (By Chairman Voorhees)—With each one of these reports, I understand, a map is furnished? *A.* It was not.

Q. (By Chairman Voorhees)—Well, the State paid for it all the same. A. Of course they paid for it, but it didn't go out with every report, because there were people sent for railroad maps and didn't ask for reports.

Chairman Voorhees—The State paid for how many maps?

Mr. Corbin—41,000 altogether.

Q. (By Chairman Voorhees)—Last year they paid for 3,500. A. That was the same limit of reports.

Q. (By Chairman Voorhees)—Now, you said that with this report a map of the railroads of the State will accompany each report? A. Yes, that is true.

Q. (By Chairman Voorhees)—Now, did you change the maps for each report that was sent out? A. I am afraid I didn't, but I tried to; we tried to do that in every respect, but the requests that we got would come more for maps than they would for reports, and we would send out when we were requested; we would send out three maps to one report; for instance, a party would ask us for a map, we would put in two; our stock was depleted immediately and we hadn't the maps to put in the reports, but that didn't make any difference, because the people that asked for maps evidently had the reports.

Q. (By Chairman Voorhees)—About how many of those did you send out; did you keep any record? A. Any quantity of them.

Q. (By Chairman Voorhees)—Who was the custodian of the maps? A. We were the custodian—the Board of Assessors; we kept the account of the maps.

Q. (By Chairman Voorhees)—But I understood they were furnished to the State, and not to the State Board of Assessors. A. We were better able to tell who should have the maps than anybody else, and, during Mr. Ford's term of office, we kept the maps in our office to distribute as they should be distributed, to everybody that called upon us for maps. The fact must be borne in mind that we have been to quite considerable expense in order to produce this map, this hand-drawn map.

Q. Mr. Betts testified that he and you drew it. A. I think in 1887, when Senator Cattell and Senator Bettie suggested that we should have a map to go with our report, Mr. Betts and myself undertook to make it; we were amateurs, but we felt a little proud of the job and produced this. I don't know whether you have examined it or not—and not only that but we have produced another one.

Q. (By Chairman Voorhees)—Another map? A. Yes, sir; I can send for it and show it to you.

Q. (By Chairman Voorhees)—I mean in connection with the reports? A. Yes, sir.

Q. Published and printed? A. No, sir.

Q. For the coming year? A. Yes, sir; not to be charged for.

Q. To cover the report of the coming year? A. Yes, sir; more or less, to be a map in the office, railroad map of all the railroads, on the scale of five miles to an inch. Along in 1888, you know, we were trying to boom our Board a little; you know we engaged you as counsel.

Q. You are not quite right; the Attorney-General engaged me as counsel. A. The State engaged you as counsel while you were Assemblyman; you recollect that.

Q. Very well? A. And we felt like booming our Board just a little bit.

Q. I read from report of 1894, which has just come in. "The plan followed in last year's report of grouping useful information under the head of each railroad company with financial statistics, &c., has always been carried out in this report, and a map of the railroads of the State will accompany each report." What map does that refer to? A. That is rather figurative, "accompany each report."

Q. (By Chairman Voorhees)—Who got up the report? A. I did.

Q. (By Chairman Voorhees)—You are pretty near as bad as McDonnell?

Q. What map does that refer to? A. I haven't the slightest idea.

Q. Although you drew the report you can't tell what map you referred to? A. You must give me more time.

Q. This is for the report of the State Board of Assessors for the year 1894, just now printed? A. That will be gratuitous.

Q. But what map does it refer to? A. The map of the railroads of the State.

Q. The same one we have seen? A. Yes; and which we will fix and send out to the patrons of the State, taxpayers of the State, when they ask for the map, and they are asking every day for it.

Q. By vouchers which I have offered in evidence here to-day it appears that the State, in 1887, paid for 6,000 copies of this map; in 1888, maps amounting to \$1,125, which, at the same rate as before, I assume was 4,500 maps; the number isn't stated in the bill; in 1889, 6,000; in 1890, 6,000; in 1891, 6,000, or, in

all, 28,500 copies, previous to the year 1892, when the second metal map was made. Now, where did those maps come from?

A. Well, they came, I suppose, from the same source.

Q. (By Senator Skirm)—What was that source? A. Probably from the same source—an overplus of maps that we didn't send out.

Q. But I understand you to say that that edition of these maps was, as you recollect it, 10,000; Mr. Ingraham's testimony is that it was 6,000. A. I think he is wrong.

Q. Well, assume that it is 10,000; here are 28,500. A. Yes; it was distributed; the price that we were to be paid was distributed.

Q. No; but these bills for four separate years, each year charged for 6,000 maps, making in all 24,000, and for the year 1888 there is \$1,125 more charged without stating the number of maps; but that would be, at the same rate, for 4,500; making the total number— A. Yes; but I can't recollect the ins and outs of the thing now; it is certainly—it must have been furnished.

Q. (By Senator Daly)—What was the requisition of the State Board of Assessors? A. For the same amount of the maps.

Q. (By Chairman Voorhees)—Mr. Corbin asks you to state, if you can, from what source you derived this extra number of maps; your recollection is that 10,000 were furnished you by the Thomas & Wylie Co., but in the meantime you had furnished several thousand more to the State and been paid for them; now, where did those extra maps come from? A. Well, I don't know where they did come from.

Q. (By Chairman Voorhees)—They didn't grow? A. They must have been furnished or distributed.

Q. (By Senator Skirm)—The gentleman who prepared this map said this morning that there were six thousand copies? A. Yes, sir.

Q. Mr. Betts said he thought there was another edition of 2,000; he thought so; Mr. Ingraham says he can find no record of anything except the one edition? A. I can't state now.

Q. I will refresh your memory; these maps in 1887 and 1888 were billed to the State by Sinnickson Chew, of Camden, who printed the report of your Board the first year: he added for 6,000 maps, \$1,500; the second year he added simply for maps, \$1,125; in 1889 Murphy printed the report and added 6,000 maps, \$1,800; in 1890 MacCrellish & Quigley printed the report and added for 6,000 maps, \$1,500; in 1891 John L. Murphy printed it and added 6,000 maps and charged \$1,540; those fig-

ure up together 28,500 copies of the map; these printers—that is, Mr. Chew and Mr. Quigley—have shown their vouchers here, and say that the maps did not in fact pass through their hands at all, but that they received your receipt as Secretary of the State Board of Assessors certifying to the fact that the maps had been received, and you then rendered your bill to them, which they paid less 10 per cent., and Mr. Murphy's books—he didn't testify, but his books show that substantially the same arrangement passed through his hands. Now, Mr. Chew swore that the maps went direct from the publisher to the binder, and they both referred to you. Didn't you personally know all about this subject so far as anybody knew anything about it; is there anybody else who got any maps but you? *A.* No, sir; there is nobody else that knows anything about it but myself.

Q. Well, how can you account, previous to 1892, for so great a number as 28,500 maps? *A.* I don't account for it.

Q. (By Chairman Voorhees)—You got paid for them? *A.* Well, I got paid for all that I ordered and all that were furnished the State.

Q. (By Chairman Voorhees)—But then, according to your own statement, you haven't accounted for all that you have been paid for? *A.* I think I could account for it if I had—

Q. You were not present this morning, but Mr. Ingraham, the manager of Thomas & Wylie, testifies that from an examination of their books they can find— *A.* They had 8,000 or 10,000, I think.

Q. He testifies that from the examination of their books they can find no record of any order for maps from that store excepting the first order, which he says was 6,000, and moreover he has no recollection of any ever having been ordered, and that the stone is in their possession; that is the testimony that is before us. I now call your attention to the map of 1892; you billed 6,000 of those through MacCrellish & Quigley in the same manner in 1892; 3,000 through John L. Murphy in 1893; 3,500 through MacCrellish & Quigley in 1894, that was last year, making of those maps 12,500. Now, can you not remember who made those maps? *A.* I had them made, sir; I furnished the maps to the State.

Q. I see no imprint upon them; who printed them? *A.* Those were my own maps; I furnished the State with those maps.

Q. (By Chairman Voorhees)—He asks you who printed them. *A.* Well, I would rather not answer that question.

Q. (By Chairman Voorhees)—It will not criminate you; it

will not inculpate anybody; if counsel insists on an answer, I think the Committee will direct the witness to answer. A. It is a question of price; it is a question of everything to me; it is a question of whether I have done right or wrong.

Q. (By Chairman Voorhees)—And by refusing to answer, you refuse to disclose whether you have done right or wrong; is that the position you want to take? A. I have answered the question; I say that I will not answer that question.

Q. (By Senator Ketcham)—You say you will not, Colonel? A. I say I don't care to answer that question.

Q. Francis & Loutrel furnished some of them at least, didn't they? A. Yes, sir.

Q. They furnished you on April 23d, 1894, 2,000, did they not? A. I don't remember.

Q. Of which 1,000 was colored and 1,000 was not colored; do you recollect whether that is so? A. I don't recollect the amounts; they did furnish me with something.

Q. Were those the first that you had from that plate? A. I don't recollect; I think that it wasn't the first.

Q. Weren't 2,000 furnished that day for which the bill was \$112.50? A. The maps were furnished by him; I don't recollect what the price was; they were furnished by him. Who made our report at this date?

Q. All there is in the report about it is, "Map of the railroads of New Jersey, which accompanied the report of last year have been so much in demand that the Board has concluded to adopt the same with some improvements." A. Reports for that year?

Q. The report for 1892 was furnished by John L. Murphy. Mr. Chew, I understand, this morning testified, or rather showed the Committee the stub of a check for \$575 in 1890 which he said was for these maps; it was to F. Heppenheimer's Sons, who, he said, made them. I asked him whether he must not be mistaken about that, as I saw he did not print the report that year. He insisted that he was right. Did they make them? A. I will refuse to answer that question, because I have no business to get Mr. Heppenheimer into this thing at all. I would say that Mr. Heppenheimer had nothing to do with the maps.

Q. I have insisted with Mr. Chew that he must have been mistaken, because I see he did not print the report. Did you get any more of them except the 2,000 from Francis & Loutrel or anybody? A. Yes, sir; I did.

Q. How many more? A. Those that I furnished to the State, I have told you, sir, just exactly how many were furnished to the State.

Q. I do not think you have. How many have you furnished to the State from the metal plate? *A.* Just as many as the report called for.

Q. Have you no invoices or any other record which will tell how many you have obtained and furnished to the State? *A.* None that I have to produce, sir.

Q. (By Senator Skirm)—What was that answer? *A.* None that I have to produce.

Q. (By Senator Skirm)—What do you mean by that? *A.* I mean I have no invoices; I have no invoices at all.

Q. Mr. Van Cleef, here for a period of eight years, these publishers have testified that although they put in these bills for these maps, amounting in all to 41,000 maps, that they never delivered any of them—they do say that you gave them some, Mr. Chew said, to take home— *A.* A great many of them have taken them home.

Q. That although they passed through their books and were by them billed to the State, they say that they did not, in fact, have anything to do with the publication or furnishing of the maps; that they had your receipt as clerk of the Board that they were delivered here, and they showed their checks paying you personally for the maps. Now you observe that that throws the whole burden of the matter upon your shoulders by their testimony. Why do you object to telling the Committee frankly from whom and when you obtained these maps, how many you got and what you paid for them and showing your vouchers? *A.* Because I haven't got any vouchers.

Q. Were bills never rendered to you for these maps? *A.* Another objection I have is, that I haven't had the proper time; I haven't been approached properly in regard to the matter; I would come to the Committee and show them all the facts in the case.

Q. Would you like to have further time to produce them? *A.* No, sir; not publicly; I am here to answer all questions now.

Q. (By Senator Daly)—What Mr. Corbin wants to know is the fact that you furnished 41,000 to the State? *A.* I did; I furnished all the maps that were billed to the State.

Q. Then if you did, how can you explain where the 28,500 came from; from that stone which you charge here? *A.* I don't know that that is in evidence.

Q. It is in evidence; I will give you the vouchers if you desire to see them; the first one is Sinnickson Chew's voucher of 1887? *A.* Was Sinnickson Chew paid direct?

Q. He was paid direct by the State, yes; all of them were; here is the first one for 1887; here is the second one, Sinnickson Chew, for 1888; those that follow are by Murphy and Messrs. MacCrellish & Quigley, one for each year. A. Didn't they testify how they got the maps?

Q. They testified that the maps never passed through their hands. A. They certainly must have passed through their hands; I furnished the maps.

Senator Ketcham—While they are looking for these papers, won't you ask the witness why he, as an employe of the State, or a State officer, or whatever you call it, sold the State 41,000 maps on his own account, without vouchers or anything of the kind?

Witness—Yes, sir; I will answer that question. I was employed by the State Board of Assessors, Senator, to be their secretary, in 1884. We passed through a great deal of trouble in getting our law in working order, and it was my place, as secretary of that Board, to boom that Board just as much as I could. Senator Cattell and Senator Bettie were members of the Board, and they asked me if I would not prepare a map, which I did; I started at the very beginning, and I spent a year and a half on this very map.

Q. (By Senator Ketcham)—Weren't you paid by the State a salary for this work? A. Yes, sir; \$1,000 a year, on the start.

Q. (By Senator Ketcham)—You were willing to work for the salary they gave you? A. Yes, sir; because they promised me more; because they promised that I would have more. I have devoted eleven years of my life to the State Board of Assessors' work, and have brought it up to the perfection to which it is now, and I have very little to say in that regard, because I don't want to take any credit for it at all.

Q. (By Senator Ketcham)—That is not the point; the point is, why did you buy these goods and make a profit out of them when you were employed by the State? A. Why does anybody do that?

Q. (By Senator Ketcham)—That is it. Why do they? A. The map—why, man, I worked hard for it; I worked a year and a half on the original; if you have any idea what the work is, if I can only send for another map—

Q. (By Senator Ketcham)—But what right had you, in the employ of the State, to be selling to the State? A. Say that I have no right.

Q. (By Senator Voorhees)—You were an employe of the State, and your time was the State's, and not your own? A. Yes, and so are we all at those troublesome times, so we were all employed by the State, Mr. Corbin himself was employed by the State at that time and helped us and aided us and did all he could in behalf of the State Board of Assessors.

Q. (By Chairman Voorhees)—And it is only fair to say that the State got good services for small compensation. A. I acknowledge that I was paid very small compensation; I tried to get my salary up as nearly as I could what I thought was right and proper.

Q. (By Senator Ketcham)—You said you didn't want to disclose names. Do you say you got a profit out of it personally? A. Yes, I did; there is no question about that; I have made a profit out of it; I have made a profit out of more than I have been asked for this afternoon; I made a profit on affidavits that have been sent down to me by the Attorney-General in miscellaneous corporation matters, simply sent down to me because I looked after the miscellaneous corporation matters; I have been paid certiorari fees simply because I look after the railroad interests where the Attorney-General has not been able to do it.

Q. (By Chairman Voorhees)—Don't those fees belong to the State? A. No, sir; they do not; they are under our law payable to the Secretary of the State Board of Assessors.

Q. (By Chairman Voorhees)—Under what law? A. Under the law of 1888; and I have also been paid—let us be honest—I have also been paid for actual services rendered professionally in litigated cases that occurred by reason of our Board assessing where a local board had assessed; the Attorney-General has given me fees in those cases, and he has always been very glad to do it—always been very glad to help me to earn a fee outside of my salary.

Q. (By Senator Skirm)—That is entirely foreign to this matter. A. Certainly, sir; there is a great deal that can be said that is german to this matter as well, which I do not propose to state now; I can't do it.

Q. (By Senator Skirm)—If you will permit me, I think without venturing an opinion further than this, that when the counsel of this Committee asked you where and how many maps—where you procured them, and how many, I will say this, that it leaves you in an exceedingly bad position in the community without answering that question. A. I will say this, that I have rendered *quid pro quo* to the State of New Jersey for all the services

that I have rendered; I have rendered everything right straight up to the handle, and done the best I could for eleven years.

Q. (By Senator Voorhees)—Then why hesitate to disclose these facts that the Committee ask you; it is out of kindness to you that they ask you; it leaves you in a position that I wouldn't like to be left in. A. I have got to be left in that position; I take the onus on my own shoulders.

Q. In response to the suggestion that you made in regard to the way these were furnished, I show you exhibits in the case produced by Mr. Quigley, being, first the bill of 1890 by you from MacCrellish & Quigley for \$1,350, receipted with the following on the bottom: "Above maps received from MacCrellish & Quigley. John T. Van Cleef, Secretary State Board of Assessors," with a check paying for them. They all seem to have gone through practically the same method of delivery. You recall these receipts, do you not? A. I haven't even seen them.

Q. Look at them. You remember, then, the way the matter was done with the publishers; that they did not, as you suggested, really pass through their hands. A. They passed through the publishers' hands, every one of them. Haven't you the receipts there?

Q. They testified that they did not; your receipt is that "the above maps have been received; John T. Van Cleef, Secretary State Board of Assessors?" A. Wouldn't it be much better for me to make a case for myself?

Q. Certainly? A. Do you want me to answer anything without making any case.

Q. (By Chairman Voorhees)—They asked you a moment ago whether you wanted to go ahead with the examination, and you said you wanted to be examined here now? A. I do want to be asked all that is within reason.

Senator Daly—I think the Committee might relieve him and let the matter lie over.

Mr. Corbin—Personally I am quite willing to do that; but I understood the Colonel to say that he was ready to answer any question now.

Senator Skirm—And preferred to do it now.

Q. You may do as you please; if you prefer to have me stop at this point, and pursue it later—make any further explanation you like; I wouldn't certainly deprive you of any time to consider the matter? A. All right, sir; that is really an answer to your question, so far as the handling of the maps was concerned; the only thing is that I don't know whether that is "above maps received from MacCrellish & Quigley"—well, now, MacCrellish & Quig-

ley don't know whether they received them or not, because they came direct from the printer.

Adjourned until Tuesday, April 30, 1895, at 10 A. M., State House, Trenton, N. J.

APRIL 30, 1895, 10 A. M.

Mr. Corbin—Mr. Chairman, at the last meeting of the Committee there was under examination the matter of certain expenditures of the State Board of Assessors, and particularly the expenditures with reference to certain maps supposed to have been furnished to the State to accompany the report of the Board. I wish to offer some further testimony on that subject. And first, I will offer the duplicate invoice produced last week by Mr. Ingraham, but not then formally offered in evidence, for the six thousand maps furnished by the Thomas Wylie Company to Messrs. Van Cleef and Betts on November 9, 1887. The charge is six thousand maps, \$650, and I ask that this duplicate invoice be marked for identification "Exhibit 227."

SINNICKSON CHEW, recalled.

Examined by MR. CORBIN.

Q. When you were upon the stand last week you showed an item in your cash book, at page 38, dated September 9th, 1890, whereby you credited F. Heppenheimer's Sons for printing maps of R. Com., \$575; you also showed a letter from Messrs. F. Heppenheimer's Sons, dated September 10th, 1890, acknowledging your check for the payment of their bill April 23d, 1890; and you also showed the ledger account of the same transaction. You then said that this item referred to maps for State Board of Assessors? A. Yes, sir; but I was mistaken.

Q. Have you since that investigated that matter further? A. Yes, sir.

Q. What have you to say now? A. That item was for maps furnished the Riparian Commissioners, and not the State Board of Assessors.

Q. I show you duplicate invoice from F. Heppenheimer's Sons. Did you obtain that? A. Yes, sir.

Q. When? A. Last Thursday, I think it was.

Q. For \$575? A. Yes, sir.

Q. Then these entries refer to these Riparian Commissioners' maps? A. Yes, sir; they have no reference to the State Board of Assessors whatever.

Q. You were in error in regard to that? A. Yes, sir; that transaction had entirely passed out of my mind.

The duplicate invoice offered in evidence and marked "Exhibit 228."

Q. You showed your stub book and check No. 1414, dated September 9, 1890, to F. Heppenheimer's Sons, for \$575. Have you found the check? A. No, sir; I didn't find the check.

Q. Can't you find it? A. No, sir; here is a memorandum in my check book, \$575.

Q. That is the stub? A. Yes, sir.

Q. Have you got the check? A. No, sir; I can't find the check.

Q. Last week you testified with reference to your furnishing the maps. A. Yes, sir.

Q. First you furnished six thousand upon your voucher for \$1,500? A. Yes, sir.

Q. And of that you paid \$1,350 to Van Cleef? A. Yes, sir.

Q. And the next year you got \$1,125 from the State for, as we suppose, 4,500 maps, and you turned that over, less 10 per cent., to Mr. Van Cleef? A. Yes, sir.

Q. You produced checks for all of these payments to Mr. Van Cleef except \$500? A. Yes, sir.

Q. Have you discovered anything which shows how you paid him that \$500? A. Yes; I have three letters from Mr. Van Cleef; I will read them.

Q. Are these the letters? A. Yes, sir. "Trenton, July 12, 1887. S. Chew, Esq.: Dear Sir—I have forgotten whether or not I sent you a receipt for your check for \$350 for map account. If not, please consider this as a receipt for the same. Yours truly, John Van Cleef, Secretary."

Q. That is the acknowledgment of the three hundred and fifty dollar check which you produced? A. Yes, sir.

Letter offered in evidence and marked "Exhibit 229."

A. "Trenton, July 26th, 1887. S. Chew, Esq., Dear Sir: Instead of sending me your check, please endorse the enclosed check and mail it to me as soon as possible. Yours with respect, John T. Van Cleef." That five hundred dollar check I showed by my cash book.

Q. That is the check which I produced with your endorsement and Mr. Van Cleef's endorsement last week, the State's check, wasn't it? A. I don't know how that was.

Q. Don't you remember that I produced last week a State's check to your order for \$500, with your endorsement on it and Mr. Van Cleef's endorsement on it? A. You did.

Q. This letter refers to that, does it not? A. I suppose that is it.

Letter marked "Exhibit 230."

A. "Trenton, N. J., November 2d, 1887. S. Chew, Dear Sir: Your favor of November 1st, 1887, is received, together with your check for \$500, being last payment on account of the maps. Please accept my thanks for your promptness and kindness in the matter. Yours truly, John T. Van Cleef." I did not send him a check.

Letter offered in evidence and marked "Exhibit 231."

JOHN L. MURPHY, sworn.

Examined by MR. CORBIN.

Q. You reside in Trenton? A. Yes, sir.

Q. And are a printer? I am.

Q. You sent me certain of your books last week showing your account against the State for printing the State Board of Assessors' Report for three years? A. Yes, sir.

Q. Upon your bills there were items for maps for the State Board of Assessors? A. Yes, sir.

Q. Did those maps actually pass through your hands? A. No, sir.

Q. Who asked you to put the item upon your bills? A. The State Board of Assessors.

Q. Who spoke for them? A. I think Alexander G. Cattell.

Q. That was the first time you printed the report? A. In 1889.

Q. What directions did he give you in reference to it? A. Well, in speaking about the map he said there would be a map; I contracted to print the report.

Q. Your contract covered no map? A. No, sir.

Q. After you had taken the contract to print the report, he spoke of this matter of maps? A. Our contract covered everything that was in the books, but I didn't know there was any maps, because there was none came with the copy, but the book was half done and Mr. Cattell told me they were going to have a map; they told me when the book was half done that they were going to have a map to go in it when the map was done; it wasn't given to me to put in, because they didn't want to send them out with all the books, but to send them out separately and they would put them in in their own office.

Q. So that you didn't put them in, as a matter of fact? A. No; I didn't put them in; nor I didn't charge for it.

Q. Who told you how much to charge for the 6,000 maps? A. I don't remember now.

Q. Your bill has an item? A. They rendered me the same bill.

Q. Who rendered you a bill for the maps? A. I don't know what individual, but I presume my conversation was generally with Mr. Bettle and Mr. Cattell.

Q. It was either Van Cleef or Van Cleef and Betts, wasn't it? A. They, I understood, got up the map.

Q. They rendered you a bill, did they not? A. I don't know whether they did, individually.

Q. Have you got the bill which was rendered to you? A. I don't know; I haven't looked for it.

Q. Who handed you the bill? A. I don't know.

Q. You printed the report in 1889; it was the report of 1888? A. Yes, sir.

Q. In your bill to the State you put in this item of six thousand maps, \$1,800? A. Yes, sir.

Q. Who gave you the data from which to make up that item? A. I don't think I could tell you now; it came through the office of the Board of Assessors; I don't know the individual.

Q. Well, your bill to the State was paid at \$1,800? A. Yes sir.

Q. You deducted 10 per cent., did you not, and paid over the balance, \$1,620? A. Yes, sir.

Q. To whoever furnished the maps? A. Yes, sir.

Q. I show you check as president of the John L. Murphy Publishing Company, No. 3398, dated March 21, 1889, for \$1,620, drawn upon the Mechanic's National Bank to the order of John T. Van Cleef. A. Yes, sir.

Q. By him endorsed. Is that the check which paid for the maps? A. That is my signature.

Q. That doesn't quite answer the question. Is that the check which paid for the maps. A. I presume it is; I have had no other dealings with him.

Q. Again in 1891 you printed the report for the State Board of Assessors, did you not? A. That was for 1890.

Q. Which was the report for 1890? A. Yes, sir.

Q. Your total bill appears to have been \$3,352.63, of which \$1,540 was for maps and envelopes, \$1,500 being for maps, \$40 for envelopes; who asked you to add the maps to your bill that year? A. I presume the same parties; I don't remember now.

Q. And you paid for them the same way? *A.* Yes, sir; the same percentage was taken off.

Q. I show you check No. 4095, dated March 5th, 1891, drawn on the Mechanics' National Bank, to the order of John T. Van Cleef, \$1,350, signed by you as president and endorsed "John T. Van Cleef." Is that the check which paid for the maps that year?

A. I presume it is; I have it so entered on my check book.

Two checks offered in evidence and marked "Exhibits 232 and 233."

Q. With whom did you make the arrangement that you were to deduct 10 per cent. of the price of the maps? *A.* I think Mr. Van Cleef told me; I asked the Board for the map; I thought I ought to have it because it belonged to the report, to print, and they said they were getting Mr. Van Cleef to get it up.

Q. (By Senator Skirm)—That was the first time? *A.* That was the first time.

Q. (By Senator Skirm)—And nothing after that—not the second year, but the first? *A.* The one map was continuous—right along without alterations; I never seen the stone, never seen the maps; I have got some of them after they were printed.

Q. Never saw the stone or the maps? *A.* Not until after they were printed.

Q. In bidding for this work, did you count upon this as an item that you could expect to receive? *A.* Well, I didn't know what to count on until I got the bill; when we take a report, we take the previous year's report and go by that.

Q. But you made no estimate as to what the map would cost, and, in fact, had nothing to do with the map more than you have stated here? *A.* No, sir.

Q. (By Senator Voorhees)—Didn't you know when the second report was printed what trade discount would be allowed you on those maps? *A.* I presume I did; I generally watch those things and look after them.

Mr. Corbin—I wish to call the attention of the Committee to this voucher. I think, Mr. Murphy, that is all that I require now.

Examined by CHAIRMAN VOORHEES.

Q. You were summoned to appear before this Committee last Tuesday? *A.* Yes, sir.

Q. Have you any excuse to give why you didn't come? *A.* Yes, sir; I had made an arrangement to be in Philadelphia at one o'clock the next day, and I received that summons at tea time. After that I came up here at ten o'clock and waited for

the Committee to get in session, and I met you in the corridor and told you what I had, and that was all I could say, and I delivered them to you; I told you that I was going, and you said you were going in to see Mr. Corbin, and while you were going in I looked at my watch and saw that it was time to go to the depot; I wanted to take the 11.10 train; I was then sent for, and when I got to the office I called you up on the telephone and told you my reasons for going, and that you could have me at any other time, and you said if I would come up you would put me on the stand and keep me only five minutes, and I said I wanted to catch the 11:37, and I came up here and saw Mr. Betts on the stand, and I went out again.

Q. Do you consider your engagements of more importance than the subpoena of this Committee? A. I do; I consider that was a very important engagement; I had to have paper to run my paper this week.

Q. Do you consider that of more importance than to observe the commands of this subpoena? A. Well, yes, I do; I had made this arrangement; it was an important engagement that I had made, and I wanted to be there.

Q. The fact that you come here to-day and testified is somewhat of an excuse, and in your favor. A. I thought that I had delivered everything that you wanted, anyhow.

Q. The Committee are very anxious to know if you intended any disrespect to them in disobeying this subpoena? A. No; if I had I would have gone off and wouldn't have come to see you.

Chairman Voorhees—Your excuse will be accepted. It is not a very satisfactory one, but we feel that your presence here to-day and your willingness to testify is very much in your favor; but you can see, as an intelligent man, if every one who is subpoenaed to appear before this Committee regards his own private engagements as of much more importance than the commands of the subpoena, the Committee would be without witnesses. It is not the desire of the Committee, or of its counsel, to unduly annoy any one, and they try to consult the engagements of those who are to appear before them, but it must be understood, no matter who is subpoenaed, that the subpoena is to be obeyed.

Mr. Corbin—I desire to call the attention of the Committee to this last voucher of Mr. Murphy's, to which he has referred in his testimony, being voucher No. 2924, of June, 1891, charged to the printing account. It is the bill of the Murphy Publishing Company for

various State reports, that company being the State printer for that year, or having the contract for the State reports of the year, among others this contract for the Report of the State Board of Assessors; the last item in that part of the bill is this: "Six thousand maps, \$1,500." Appended to this voucher I find this report by Mr. Charles Bechtel, the expert printer who examines all these bills for the State and counts the the work: "I certify that I have examined the within bills, and find the same correct as per contract, except as follows: There is no contract for furnishing clasps or maps in the Report of the State Board of Assessors, amounting to—clasps, \$40; maps, \$1,500; total, \$1,540. No contract for three maps in Report of the Riparian Commissioners, amounting to \$265.62; no contract for maps in the Report of the State Geologist, amounting to \$2,495.82; making a total of \$4,301.44. I also report that the above maps were not printed in the State of New Jersey, as required by the contract. Charles J. Bechtel." Below is the following: "Trenton, N. J., June 16, 1891."—this is by the Comptroller. "Upon investigation of the above, I find that the maps printed for the Report of the State Geologist and of the Riparian Commission were included in copy of said reports submitted to the Committee on Printing, and were therefore open to the inspection of bidders. With reference to the fact that said maps were not printed in the State of New Jersey, Mr. Murphy makes the statement that he knew of no printer or lithographer in the State at the time of the execution of the work and could not make said maps. I therefore allowed said claims. As these facts do not apply to the work performed for the State Board of Assessors, I have not allowed the same under the circumstances. William C. H., Comptroller." That is the voucher of the Board I have mentioned. I offer it in evidence. Marked "Exhibit 234."

Senator Skirm—Do I understand that your last statement is that he didn't approve of the bill for the maps for the State Board of Assessors?

Mr. Corbin—He disallowed it.

Senator Skirm—And yet it was paid?

Mr. Corbin—On the same day the entire voucher for the same items were put in by Murphy & Co., as follows: "June 1, 1891, State of New Jersey to John

L. Murphy Publishing Company. Six thousand maps furnished State Board of Assessors, \$1,500. One thousand clasp envelopes furnished the State Board of Assessors, \$40—\$1,540." It was disallowed in the printing bill, but a separate bill was put in for it and it was paid under another heading. "Approved, B. W. Spencer, President State Board of Assessors. Correct. Reported for \$1,540. F. H. Wismer, Oliver Kelley, audit." This bill is sworn to, and was paid by warrant upon the treasury.

I have called the Committee's attention to this. The Comptroller disallowed it in the printing account; he allowed it and charged it to the State Board of Assessors; that is the distinction, and you will find it not under the printing account, as most of the other maps are charged, but you will find it charged directly to the State Board of Assessors.

CYRUS F. LOUTRELL, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. South Orange, N. J.

Q. What is your occupation? A. Stationer and printer.

Q. What is the concern with which you are connected? A.

At present Francis & Loutrell Company.

Q. The Francis & Loutrell Company is a corporation? A.

That is a corporation.

Q. And that concern was formerly a firm? A. That was formerly a firm of Francis & Loutrell.

Q. Where is the business conducted? A. At present, 14 Vesey Street.

Q. In the city of New York? A. Yes, sir; it is a New Jersey corporation of course.

Q. Did your firm, and afterwards your corporation, print a map of the railroads of New Jersey? A. Yes, sir.

Q. I show you "Exhibits 209 and 210," being printed map entitled "Map of the Railroads of New Jersey," the first dated April, 1893-4, the second, April, 1894-5. Did your firm print these maps? A. I should say yes, sir.

Q. Why did you not put the imprint of your house upon them? A. We never do on a thing of that kind; if we got up the plate and everything of that kind, we would have done so.

Q. Did you not get up the plate in this case? A. No, sir.

Q. Have you the plate in your possession? A. Yes, sir.

Q. When did it come to you? *A.* I say yes—I suppose it is there.

Q. When did it come to your possession? *A.* About 1892.

Q. Who brought it to you? *A.* That I can't say, not knowing.

Q. Who ordered you to print the maps from it? *A.* Col. Van Cleef.

Q. Have you your books here? *A.* Yes, sir.

Q. Please refer to your order book M. M., page 179. What is the date of the item you find there? *A.* May 25th, 1892.

Q. Read the item? *A.* "May 25, 1892. State Board of Assessors of the State of New Jersey, one thousand maps."

Q. Please refer to your order book NN, page 57; have you an item there? *A.* Yes, sir; "August 16, 1893. State Board of Assessors of New Jersey, 500 maps, colored; 500 maps, not colored," and in the margin is "500 colored and 100 plain to Col. John T. Van Cleef; keep 400 plain in our store awaiting directions."

Q. Are those 400 plain still in your store? *A.* Yes, sir.

Q. Please refer to page 157 of this order book and read the item? *A.* "April 7, 1894. State Board of Assessors, Tranton, N. J., 1,000 railroad maps, colored," in the margin, "paper ordered April 7, from B. O. Meyers."

Q. Please refer to page 165 of this same book; have you an item there? *A.* Yes, sir; "April 23, 1894. State Board of Assessors, Trenton, N. J., 1,000 maps, colored;" in the margin, "paper ordered."

Q. Those items together make 4,000 maps. Are those all the maps that you have furnished, either through your firm or your corporation? *A.* Yes, sir; that is all.

Q. (By Senator Skirm)—Since when? *A.* Since 1892.

Q. Did you ever furnish any before from this plate? *A.* No, sir.

Q. It was all you have ever furnished? *A.* Yes, sir.

Q. And the first lot you furnished was in May, 1892, or June?

A. Yes, sir; they were charged up June 10th, I think.

Q. Please refer to your day book, June 10th, 1892.

Senator Daly—Under what account was that paid—printing account?

Mr. Corbin—No bill came to the State for it at all.

A. The bill, "State Board of Assessors, Trenton, N. J., 1,000 maps State of New Jersey, printed, \$48.25; colored above maps, \$19.50; \$67.75."

Q. Please refer to your day book, September 8th, 1893, page

112. A. "State Board of Assessors, 1,000 railroad maps printed, \$48.25; coloring 500 above, \$9.75; total, \$58."

Q. (By Senator Skirm)—That is for one thousand maps? A. Yes, sir; 100 plain and 500 colored, sent to Col. John T. Van Cleef; 400 remaining in the store.

Q. Does that 400 still remain with you? A. Yes, sir; that is the 400 you asked about before.

Q. That is the same 400 referred to in the order book? A. Yes, sir.

Q. Now refer to your day book, April 23d, 1894, Francis & Loutrell Company. A. Page 369, "April 23d, 1894; 1,000 railroad maps, State of New Jersey, printed, colored, \$48.25, coloring, \$19.50, making \$67.75." That is the total bill.

Q. Now, of that order are any of those maps still at your place; how many have you on hand of that year? A. I have 1,400 maps on hand.

Q. One thousand is out of this last order? A. Yes, sir; one thousand charged to Colonel Van Cleef.

Q. (By Chairman Voorhees)—You printed 4,000, but you still have on hand 1,400 now, making 2,600 delivered? A. Yes, sir.

Q. Turn to your ledger showing the first account of the State Board of Assessors. A. Ledger O, page 1511, State Board of Assessors, printing, N. J.—this come from page 1900—I don't know whether there were any maps in that or not. This is the proper page. One thousand railroad maps, \$48.25; coloring do. \$19.50, June 10th, 1892.

Q. Was this item afterwards transferred from the State Board of Assessors to some other account? A. I think it was, sir. This will go to Ledger P, page 1724; on October 8th, 1892, it was transferred to Col. John T. Van Cleef.

Q. When was that transferred to his account? A. I can't tell you that, because I don't know.

Q. And are the other charges that you have mentioned entered here to the State Board of Assessors? A. Yes, sir.

Q. Are the charges of 1894 here on this account? A. No; September 8, 1893, is on this account.

Q. But where is the account of April, 1894? A. That is in another ledger, Francis & Loutrell Company ledger, page 1710.

Q. Is the item of April, 1894, for maps charged to the State Board of Assessors? A. April 23, 1894, 1,000 railroad maps, \$48.25; 1,000 railroad maps, \$44.75; billed at \$93.

Q. There is something there for coloring? A. Coloring do., \$19.50.

Q. Has that bill been paid? A. \$50 paid on account.

Q. I see you have sundry other items here against the State Board of Assessors for stationery, &c. A. Yes, sir.

Q. Do you render these bills directly to the State, or to any individual? A. Right to the State.

Q. And they are paid directly by the State? A. Yes, sir.

Q. The matter of maps, then, is exceptional? A. The matter of the maps I couldn't tell you how they were paid.

Q. But this has never been billed to the State by your concern? A. Not except this lot.

Q. Have these been billed? A. Yes, sir; those are billed to the State Board of Assessors; the bill was sent in for them to the State Board.

Q. Who paid \$50 on account? A. I couldn't tell you, because the amount came through the State Board of Assessors.

Q. When was the \$50 paid, as shown by your ledger? A. November 28th, 1894.

Q. And the State Board of Assessors then owes you the remainder? A. Yes, sir.

Q. What is the balance? A. That would be the balance, \$71.78.

Q. (By Senator Skirm)—I would like to know whether the State Board of Assessors owe Francis & Loutrell Company this balance, or whether Mr. John T. Van Cleef owes it? A. Well, that I can't answer, for the simple reason we charge them up the way Colonel Van Cleef told us to; if he said charge them to the State Board of Assessors we did so; I can't tell any more than that.

Q. All these maps, then, which you have furnished were originally charged then on your books to the State Board of Assessors? A. Yes, sir.

Q. And afterwards one item of 1892 was transferred to Col. Van Cleef's private account? A. Yes, sir.

Q. But all the rest of this open account still stands on your books to the State Board of Assessors? A. Yes, sir.

Q. And have you had a sheet drawn off, a transcript of your ledger, showing the map dealings? A. Yes, sir; I have.

Q. And this is a correct transcript of your ledger? A. Yes, sir; so the bookkeeper has sworn to.

Mr. Corbin—I would like to have this left and marked for identification, so that the Colonel may take his books; it has appended to it the affidavit of the Treasurer, also, that it is a correct transcript. Same is marked "Exhibit 236."

State Board of Assessors, Trenton, N. J., in account with Francis & Loutrell :

1892.		
June 10.	To 1,000 Railroad maps.....	\$48 25
	To coloring 1,000 Railroad maps...	19 50
1893.		
Sept. 8.	To 1,000 Railroad maps.....	48 25
	To coloring 500 Railroad maps....	9 75
		<hr/>
		\$125 75
1892.		
Oct. 8.	By charge of June 10, 1892, transferred to the account of Col. Van Cleef, the charge having been erroneously made against the State Board of Assessors.....	67 75
1893.		
Dec. 27.	By cash.....	\$58 00
		<hr/>
		\$125 75

Col. John T. Van Cleef, in account with Francis & Loutrell :

1892.		
June 10.	To 1,000 Railroad maps.....	\$48 25
	To coloring ditto.....	19 50
		<hr/>
		\$67 75
1893.		
March 8.	By cash.....	\$67 75
		<hr/>
		\$67 75

State Board of Assessors, Trenton, N. J., in account with Francis & Loutrell Co. :

1894.		
April 23.	To 2,000 Railroad maps.....	\$93 00
	To coloring 1,000 of above.....	19 50
		<hr/>
		\$112 50
		<hr/>
		By cash..... 50 00

Q. (By Senator Skirm—I understand, then, that that sheet shows all the transactions you have had, as far as the State Board of Assessors are concerned, with your firm? A. About railroad maps; yes, sir.

Q. Who made the plate from which you printed these maps?
A. I couldn't tell you sir; I don't know.

Q. Did your concern? A. No, sir.

Q. Who delivered it at your place? A. That I don't know.

Q. Was it delivered there about the time that you got that first order, in May, 1892? A. I should say yes; I couldn't swear to that.

Q. I see it is dated 1892; was it a new plate when it came?
A. That I can't say.

Q. Did you print the first sheets that were ever printed off of it? A. I couldn't say that; if I had made the plate I could tell you that.

Q. (By Senator Skirm)—Then I understand you to say, or to have said, that this plate has been in your possession, and not out of your possession, since it first originally came to you in 1892?
A. To the best of my knowledge; I couldn't answer that yes or no; but to the best of my knowledge, I don't think it has.

Q. (By Chairman Voorhees)—I understand that Col. Van Cleef is present; Col. Van Cleef, do you desire to make any further explanation, and, if so, an opportunity will be given to you?

Colonel Van Cleef—I do desire, Mr. Chairman, to make a statement to this Committee of the transactions that I have had with the State; I had intended having, as I thought owing some duty to myself, my personal character, wanting to make as favorable a showing as I could—the Committee from the testimony that has been taken already know full well that I have not done right; it has been to me—it had seemed to me that it was more an error and negligence than anything else, but I was preparing with my counsel a statement to be presented to this Committee which would be far more satisfactory to me and far more satisfactory to the Committee; I think that counsel knows that we were engaged in that.

Mr. Corbin—I was not aware that a written statement was being prepared.

Col. Van Cleef—I would like to know exactly—if you will pardon me for keeping your time—I would like to know exactly what I am to prepare; I would like to make a whole explanation—there have been matters put in the newspapers in regard to my action with the legal department and the preparation of certiorari cases, in the matter of disbursing moneys for the Board and obtaining from the State back those disbursements. I had

received a letter, Mr. Corbin, from the counsel of the Central Railroad; the certioraris at the first part of the Board's career were very numerous, amounting sometimes to forty certioraris in a year, which was nearly half of the Board's work; to do it over again and certify to the Supreme Court—

Mr. Corbin—I would say for Mr. Van Cleeft's benefit that I have a few vouchers here which I propose to put in evidence touching upon one or two other subjects of interest to him, and Mr. Van Cleeft's suggestion that he would like to know what he has got to answer is of course proper and fair. I shall close all that I have to say upon that subject this morning, and in the light of what has been said I have no desire to press Col. Van Cleeft to take the stand or make any statement at this time, unless he desires to do so. The further testimony I have will be very brief.

Col. Van Cleeft—I think it would be also more satisfactory if I should present to you through the aid of my counsel—and everyone needs counsel on such a time—what would be much more satisfactory to you and the rest of the Committee. However, I am in your hands.

Senator Skirm—I think the statement made by Mr. Corbin was whether you desired to make any statement, and it seems to me that any written statement would fall very short, in justice to yourself or to give any light to the Committee.

Col. Van Cleeft—It would be a better analysis of the whole thing than for me to go on the stand and ramble around for eleven years of my commercial life.

Senator Skirm—But you misunderstand me; I think Mr. Corbin simply meant—

Col. Van Cleeft—I have no object in hiding anything, and it will not be done.

Senator Skirm—But is it wise for you to endeavor to make a written statement, or to make any statement, until after these other matters are brought in, or when you possibly may be able to make a verbal statement, short and concise, covering the ground.

Col. Van Cleeft—I don't know of any other matters.

Senator Daly—I think it would be more satisfactory for Mr. Van Cleeft to make a statement in the way he sees fit.

Col. Van Cleef—I am in the hands of the Committee to do just as they see fit, but I would rather not make a statement now.

Senator Daly—What you want is time?

Col. Van Cleef—I do; it would be more satisfactory to me and my friends.

Chairman Voorhees—I would suggest that that is the better course to take. Mr. Corbin will offer the evidence that he has, and then you will be in a position to know just exactly what is brought against you; you can answer it or explain it as you desire.

Colonel Van Cleef—I would like just one word more—that there seemed in my testimony—I don't recollect very much about the testimony—I seem to have said something which reflected upon Mr. Heppenheimer; I want to say now that he had nothing to do with it; I don't care to have that done.

Chairman Voorhees—That course will be pursued.

WILLIAM A. BARKALOW, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. I reside at Freehold, in Monmouth county.

Q. What is your profession? A. Attorney-at-law.

Q. And where are you engaged and occupied? A. I am connected with the legal department of the Central Railroad of New Jersey.

Q. At their general office in New York? A. Yes, sir.

Q. Are you familiar with their methods of keeping vouchers for payments made? A. Yes, sir.

Q. And have you produced here the vouchers which the vice-president was summoned to produce? A. Yes, sir.

Q. I asked you for the production of certain vouchers of the moneys paid by your company to John T. Van Cleef; have you them there? A. Yes, sir.

Q. Are these the original vouchers? A. Those are.

Q. And these have been paid? A. As appears by the signature of Mr. Van Cleef, yes, sir.

Q. You have the voucher system common to railroads, have you not, whereby the voucher itself passes through the bank and is paid by the bank? A. I presume that is common to railroads; that is our case.

Q. And getting stamped by the bank when paid? A. Yes, sir.

Q. And these are the originals? A. Yes, sir.

Q. I asked for the vouchers during the years 1885 and 1886, as well as subsequent years; I see you haven't produced any; why is that? A. During that time—I understand that was before my time—the Reading road was in control, and those vouchers, I presume, are still in the possession of the Reading road.

Q. They are not in the possession of the Central Railroad of New Jersey? A. So the second vice-president informs me.

Q. The first voucher produced is one dated April 9th, 1887, and I will call the Committee's attention to the way these vouchers were made up before we go any further. The first paper here in each case is the railroad company's voucher made out in its own office with the name of the claimants at the top, and certified below by the Comptroller and the auditor of the receipts and disbursements and stamped, and the receipt signed at the bottom by the claimant—in this case John T. Van Cleef—and appended to them are the original items of bills rendered by the claimant—in this particular case quite numerous, which are attached to what they call the file slip, which shows the account to which the railroad company charged the bill. A. The warrant and file slip and the attachments; that is the system.

Q. You call this first paper the warrant? A. That is the warrant, yes, sir; the whole making the voucher.

Q. Have you had copies made of all these vouchers? A. Yes, sir.

Q. And are these copies? A. Yes, sir.

Q. The first item, April 9th, 1887, is for \$83.60 for preparing supplementary returns of real estate, schedules of local assessors' reports as per bills rendered. By referring to the bills rendered attached to that first one it will be seen that the third one is for a return to certiorari; so is 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15. I observe that these separate bills are for separate railroads, as, for example, High Bridge Railroad. A. Yes, sir.

Q. Lake Hopatcong, Longwood Valley Road, Manufacturers Railroad. Those are the constituent companies forming the Central Railroad system, are they not? A. Yes, sir.

Q. And bills against them are paid by the Central Railroad as part of their operations? A. Yes, sir.

Q. And they are taxed, as I understand it, by the State Board of Assessors, separately, and separate bills rendered for each? A. Yes, sir.

Q. As they are under separate charters? A. Yes, sir.

Q. Do you happen to know Col. Van Cleef's handwriting?
 A. I do not; I might explain this, that there are separate charges except where the Central Railroad Company has in some way been consolidating the companies, and then they are under the main company, and they pay the charges; so far as our books are concerned, they are against that branch.

Q. The next voucher is dated February 7th, 1888, is partially for copy of testimony and partially for returns to certiorari, \$131.08. The next is January 30th, 1889, amount of bills for preparing returns for writs of certiorari reviewing assessment of 1880, \$169.44; the details upon that voucher will show that it is the Central Railroad of New Jersey, Toms River and Waretown, and others.

The next is voucher of October 9th, 1890, for \$195.80, for returns to writ of certiorari, and the list of companies following.

Senator Daly—Why hasn't Col. Van Cleet a right to collect that?

Mr. Corbin—Perfect right; no impropriety in it whatever, and it is the duty of the railroad company to pay it.

The next one is July 23d, 1891, for returns to certiorari, \$225.20, with details following:

The next is September 17th, 1892, preparing returns to writs of certiorari, as per writs attached, \$245.95.

October 31st, 1893, same charge, \$232.60, with list of corporations.

July 31st, 1894, similar charge, \$241.60, with the details attached.

March 6th, 1895, similar charge, \$231.55, for returns to certiorari.

These vouchers are offered in evidence and are to be returned to the witness and copies to be retained by the committee.

“NEW YORK, April 26th, 1895.

“MR. R. W. de Forest, General Counsel.

“DEAR SIR—In response to your inquiry of yesterday, we find on reference to our records that the following vouchers were drawn in favor of Mr. John T. Van Cleef, for services and disbursements in connection with the preparation of returns relating to State taxes for the Central Railroad Company of New Jersey and various constituent companies connected with it, viz.:

Vo. No.	Authorized by.	Amount.
4,432-87	S. M. Williams.....	\$83.60
475-88	R. W. de Forest.....	102.60
27,620-88	do.	131.08
18,793-89	B. Williamson	169.44
25,848-90	R. W. de Forest.....	195.80
18,321-91	J. L. Conover.....	225.20
29,159-92	H. W. de Forest.....	245.95
28,162-93	R. W. de Forest.....	232.60
19,083-94	H. W. de Forest.....	241.60
4,395-95	R. W. de Forest.....	231.55

Yours respectfully,

S. M. WILLIAMS,

Second Vice-President."

Mr. Corbin—I offer in evidence the following vouchers from the Comptroller's office of this State, being vouchers of moneys paid to John T. Van Cleef for return of these writs of certiorari and other writs of certiorari.

Chairman Voorhees—These identical writs?

Mr. Corbin—These identical writs; yes sir; these same companies: they are bunched here with others and in all cases cannot be identified.

First voucher No. 2259, May, 1885; State of New Jersey to John T. Van Cleef, for disbursements and expenses incurred in making returns, Nos. 1 and 2, to writs of certiorari issued in the Philadelphia and Reading cases supplementary to first return.

I call the attention of the committee to the fact that that first return bill I should judge is for the supplemental return, and covers some of the same ground which this bill covers of \$236.64, and it does not specify the railroads further than as to the Philadelphia and Reading cases. Offered in evidence and marked "Exhibit 237."

Also voucher 2412, John T. Van Cleef, June, 1885; expenses incurred in making original returns of writs of certiorari in assessment of 1884. Here is a list of the entire railroad system so far as I can identify it.

Q. Mr. Barkalow, will you run over that list of corporations and tell me whether they all belong to the Central system? A. No, sir, here is No. 3, isn't; that is Delaware and Bound Brook.

Q. That is Philadelphia and Reading system, isn't it? *A.* Yes, sir; Philadelphia and Atlantic City isn't.

Q. What does that belong to? *A.* The Reading system; I don't recognize the Williamstown and Delaware.

Q. That did belong to the Reading system, didn't it? *A.* Yes, sir; Philadelphia and Reading Railroad Company; that is Reading system; Morris and Essex isn't; the Passaic and Delaware, and Sussex and Warren.

Q. With the exception of the last four, the Morris and Essex, Passaic and Delaware, the Sussex Railroad, and the Warren Road; these all did belong to the Philadelphia and Reading system at that time, did they not, in 1885? *A.* I presume that is so.

Mr. Corbin—You will observe this bill to the State includes not only the entire Central system, or what is called the Reading system, but also the Morris and Essex system—marked "Exhibit 238."

Chairman Voorhees—Senator Daly wants to know why he couldn't have made copies of these returns for the State and charged the State for them.

Senator Daly—It is often the case that an attorney gets a copy of a return.

Mr. Corbin—These records were all printed at an enormous expense to the State. That brings me to a point that I thought of mentioning—these originals; I can't find them on file in the Supreme Court Clerk's office; there is no doubt they were made.

Senator Skirm—Where should they have been filed?

Mr. Corbin—Undoubtedly the writ should go back and be returned to the Clerk of the Supreme Court, but it is customary for the Clerk, or the officer who receives the writ, to return it to the attorney who gives it to him.

Senator Daly—But when it is printed, the book is often filed with the return, and the returns printed in the case.

Mr. Corbin—That is all subsequent to the return of the writ.

Senator Daly—One copy might be served upon the Attorney-General and one upon the attorney of the railroad company.

Mr. Corbin—I never heard of that practice.

Senator Daly—It isn't unfamiliar.

Mr. Corbin—I stand corrected.

Senator Daly—Both attorneys want to be correct. It is very frequently done.

Mr. Corbin—The Senator suggests that, but the State with the original record in its possession, why it should want a copy of its record I cannot now understand, particularly as it was all immediately printed by the Central Railroad Company.

Senator Daly—It was of the greatest importance to the State that the returns should be made to them and they should expect the original returns the same as the importance to the railroad company that they should have a clerical return.

Senator Voorhees—And I think that that came within the duty of this clerk of the Board of Assessors.

Mr. Corbin—These bills are not for copies; they are for making the returns just as the bills for the railroad company show, and I offer them for what they show on their face.

Last paper marked "Exhibit 239."

Also voucher, No. 3143, of August, 1886, disbursements incurred in making returns to writs of certiorari of taxes of 1885 for the Lackawanna system, \$198.

"Exhibit 240."

Also voucher 2983, July, 1886, sundry railroad companies, certainly some of them are Central system, \$239.

"Exhibit 241."

Also voucher 3,849, October, 1886, for \$350; legal services rendered and disbursements incurred in preparing returns seventy-four writs of certiorari.

"Exhibit 242."

Also Voucher 2577, June, 1887, for \$128.40. This seems to be for Master's fees in taking testimony; that, I presume, is proper. "Exhibit 243."

Also Voucher 3751, of October, 1887, for preparing returns, \$214.30. "Exhibit 244."

Also Voucher 266, of 1887, for \$189, preparing returns. "Exhibit 245."

Also Voucher 2962, July, 1888, for \$160, preparing returns to certiorari. "Exhibit 246."

Also voucher of August 22, for legal services and disbursements in preparing returns for the following list of railroads, \$296.10. This is the only one that I have had an opportunity to compare with the voucher produced by the Central Railroad Company. If you will refer to

the voucher of 1889 you will find the voucher, I think, put in in the summer and paid August 19, 1889. August 22, 1889, there is a bill put in to the State for legal services of preparing returns to the following writs of certiorari, and then follows the list, \$296.10.

Senator Skirm—As I understand it, these bills have been paid by the State.

Mr. Corbin—Undoubtedly ; yes, sir.

Senator Ketcham—And paid the Railroad Company.

Mr. Corbin—They are bills that are practically identical ; they are grouped differently here ; the amounts you cannot identify exactly, but there is a bill rendered to the railroad company for making up the return of its writs, which is proper. When the prosecutor gets the return I think he pays for it, and immediately after this I find in every case a bill put into the State for a similar sum ; I can't identify it exactly, because the bill is made up differently, but substantially the same sums, and the State has paid for the same services.

Senator Ketcham—And after getting a salary from the State he charges the State specially for this work ?

Mr. Corbin—He is entitled from the Railroad Company, or any prosecutor of a writ of certiorari, to proper fees and compensation for making a return to that writ ; that return is a copy of his record attached to the writ and sent back to the court.

Senator Daly—Suppose the Attorney-General asks him for a return likewise ?

Mr. Corbin—Return to the writ when the State has got the record ?

Senator Daly—Yes ; he might ask for it.

Mr. Corbin—Every one of these goes into the Court they are printed, and three copies must be served by law upon the Attorney-General.

Senator Voorhees—I am informed that there was an arrangement made whereby the State and the railroads were to share equally the cost of these returns.

Senator Skirm—They have shared equally.

Mr. Corbin—This is the history of this thing as I understand it.

The railroad tax act was passed in 1884 ; some thirty-six railroads constituting the Central Railroad System, and certain others, decided immediately to certiorari the entire assessment, and the clerk make the return.

He rendered his bills, as you see by the Central Railroad's testimony here, and doubtless I could bring the testimony from the other railroads to the same effect, no doubt I could—that is for 1884 and 1885—and they were prosecuted to the Court of Appeals in this State and the taxes sustained, and judgment went in favor of the State Board of Assessors, with costs, and all this cost of litigation was thrown upon the companies. Now, since that time, I wasn't aware of it until now—it appears that the Central Railroad System has been taking out certioraris for their taxes every year from that time to the present, to preserve, I suppose, some legal rights which they yet wished to try, but the cases have not been brought to trial, the writs are not returned into Court, and they have done it evidently under advice of counsel with a view of saving some right, but the thing has been threshed out to the Court of Appeals and decided and paid for, not only by the railroads, but by the State; it was an expensive and an exceedingly important litigation. Why now any arrangement should go on for these ten years under this former arrangement with the Central Railroad Company that the State should pay half of their fees for taking out these writs and letting them sleep, is something aside from my knowledge in practice. I don't know that there is such an arrangement.

Q. Is there any such arrangement, Mr. Barkalow? *A.* I don't know anything about it.

Q. You are in the office of the General Solicitor of the road? *A.* Yes, sir.

Q. (By Senator Skirm)—These bills are certainly for the full amount of services rendered; are they not? *A.* I think the vouchers will show there that one of them is for one-half; after that, it is presumed, he rendered a bill for the full amount.

Mr. Corbin—There may have been some such arrangement in 1884 and 1885 with reference to those first returns when there was litigation, but I can scarcely conceive any such arrangement having continued; indeed, I didn't know there was any such arrangement made then.

Q. (By Senator Skirm)—But I see—pardon the interruption—but I see here that most of these bills were signed by John T. Van Cleef, as secretary; wouldn't the State Board of Assessors

then receive the amount of money rather than Mr. Van Cleef, personally.

Mr. Corbin—Well, I suppose in the absence of any statute on the subject that the custodian of the Board's records who actually copies them and makes the return would be entitled personally to the fees for the return; I think that is so.

Senator Skirm—And yet he signs the bills here as John T. Van Cleef, secretary.

Senator Daly—That gives him an official standing.

Witness—You will notice that his vouchers are made out "John T. Van Cleef, secretary."

Mr. Corbin—I also offer voucher 422 of December, 1890, for services and disbursements preparing returns to writs of certiorari, Central Railroad System, \$224.50.

"Exhibit 248."

Also voucher 4045, of September, 1891, for preparing returns to writs of certiorari, Central Railroad System, \$331.50, which has this statement at the end, "Philadelphia & Reading Company, lessee; writ includes same as for the years 1887 and 1888, 1889 and 1890, \$48."

"Exhibit 249."

Also voucher 2236, April, 1893, for return to certiorari, Central Railroad System, \$245.05.

"Exhibit 250."

I offer in evidence voucher 1248 of February, 1894, of the Delaware and Atlantic Telephone and Telegraph Company; also voucher 2532 of May, 1894, of the same company; also voucher 4884 of October, 1894, same company; and among other telephones charged to the State I find telephone No. 542 charged to the State Board of Assessors and paid. I will offer in evidence these three bills, and also the catalogue of that Telephone Company in this State, by which you will see that that telephone is in Mr. Van Cleef's private house.

Bills marked "Exhibits 251, 252 and 253."

I also offer in evidence the official directory of the Delaware and Atlantic Telephone and Telegraph Company for October, 1894; telephone 542, Trenton, is Van Cleef, J. T., residence. Marked "Exhibit 254."

Senator Skirm—Couldn't that have been put in by order or through the Board of Assessors?

Mr. Corbin—It appears to be so on the face of the bill.

Senator Skirm—It seems that these gentlemen here have owned the State House and the revenues of the State, and everything else.

Chairman Voorhees—They didn't have any business to order it put in there.

Senator Skirm—Not at all.

BIRD W. SPENCER, sworn.

Examined by MR. CORBIN.

Q. You are a member of the State Board of Assessors? A. Yes, sir.

Q. How long have you been a member? A. Six years.

Q. That takes us back to 1889? A. 1889.

Q. Did you know that the Board was ordering maps? A. Yes, sir.

Q. How were they ordered by your Board; how was it determined that you should have maps each year? A. I suppose I have got to tell you how the thing originated. Senator Cattell, who was president of the Board in 1889—

Q. (By Senator Skirm)—Is he dead now? A. Yes, sir.

Q. (By Senator Skirm)—That is what I thought. A. He was president of the Board in 1889 when I went in, and he told me that the Board had adopted a map and had it made to be issued with the report; he told me that it was made by Col. Van Cleef and Mr. Betts; they had investigated the subject thoroughly and had ordered them to make the map, and that map was sent out each year with the reports; I asked him about the cost of it as a matter that seemed to be of some moment, and he said they cost from twenty to twenty-five cents apiece, and I looked up the cost of the maps and found that about reasonable, probably a little less than the maps would cost ordinarily.

Q. (By Senator Ketcham)—Did you look at the bill—did you determine the price from the bill or from your idea of what it should be? A. No, I don't think so.

Q. (By Senator Ketcham)—You said you thought it was reasonable. A. The bill for the maps cost about twenty or twenty-five cents.

Q. (By Senator Ketcham)—Cost the State that? A. Yes, sir.

Q. Did the matter come up before the Board for their action? A. Yes, sir; the report each year—the report was adopted and the map was made a portion of the report.

Q. Yes; I have offered in evidence here the report, which showed that each year you re-adopted the map. Is there any

record of your action except that? A. I can't answer that positively, but I think not.

Q. You adopted it by signing the report? A. By signing the report.

Q. Did the matter come up for discussion annually? A. I think that each year, when the report was adopted, the same number of maps were ordered from the printers as there were reports ordered by the legislative committee; in fact, during the first years—the first year or two I was in the Board—the maps were ordered by the legislative committee, or included in the legislative committee's order for the reports, as the maps were a part of the report.

Q. They don't appear to be in the contract? A. That I know nothing about.

Q. And we have no other record of their action, so far as I know; I suppose the members of the Board took no personal charge of the matter of getting the maps, did they, or the distribution of them? A. The receipt of the reports and the maps were left entirely to the Secretary and the Clerk.

Q. You say the Secretary and Clerk; who is the Clerk? A. The Secretary and the Clerks in the office; I don't know how that work was divided.

Q. You supposed that this number that had been ordered was being delivered there every year? A. Certainly.

Q. And your attention was never drawn to the deficiency until now? A. I don't know of any deficiency now.

Q. Don't even know it now? A. No, sir; for I assume the printers delivered the maps for which they rendered bills.

Q. Yes, they undoubtedly delivered maps for which they rendered bills. You still think that the printers, Chew and Murphy and Quigley furnished the number of maps on their bills? A. No, I didn't say that; I say I assume they did, because the bills were made out for that number of maps.

Q. But it is a pretty violent assumption now, in the light of their testimony. A. I haven't read the testimony; I have only seen the newspaper accounts of it.

Q. (By Senator Skirm)—You have read that? A. Yes, sir.

Q. (By Senator Skirm)—You have seen the newspaper accounts? A. Yes, sir.

Q. (By Senator Skirm)—That ten thousand maps were furnished and forty-one thousand charged, you have seen that statement? A. Yes, sir.

Q. (By Senator Skirm)—You don't know whether it is true or not? A. No, sir.

Q. Were you aware that fourteen hundred of these maps that the State has paid for are still over in New York? *A.* I was not, sir.

Q. Are you aware that four hundred had been there since 1892? *A.* No, sir.

Q. And a thousand since 1894? *A.* Not at all.

Q. That is the testimony of Col. Loutrel. *A.* I didn't hear that.

Q. Did you know that the maps had been charged to the State Board of Assessors by the lithographers in New York? *A.* Yes, sir; because—Oh, I can't say that; the bills were rendered for the maps in the regular course.

Q. You mean now, by the printers, Murphy and Chew and others? *A.* By the printers the bills were rendered in the regular course, and approved in the regular course.

Q. And that is all you really knew about it? *A.* That is all the Board knew about it.

Q. Do you remember that the Comptroller one year rejected the printer's bill? *A.* My memory of that is this, that at the outset of several years the Comptroller passed the bills for the reports and for the maps, and for some reason unknown to me the new Comptroller decided that the map bills should be made separate, and it was.

Q. Separately, and charged to the account of the State Board of Assessors? *A.* I don't know about the charge, but it was made separately.

Senator Ketcham—Won't you ask him if the Board ever gave authority to their Secretary to manipulate these maps, to charge them to the State in his own name?

Q. Did the Board give authority to their Secretary, Mr. Van Cleef, to bill these maps to the State in his own name?

Senator Skirm—But he never did that; the printers always done that.

Q. Why didn't you buy them directly from the publishers, Van Cleef & Betts? *A.* I can't answer that question, because I fell into the custom established by my predecessors, Messrs. Cattell and Beetle, the other members of the Board, which was to buy the maps from the printer who printed the reports.

Q. And the custom simply continued as you found it? *A.* Simply continued as I found it; Senator Cattell, I might add, enlarged very much on the importance of this map as being part of the report, and my experience has been that it is a very important part of the report if properly sent out with the report.

Q. I show you report which has just now come from the press within the past few days, where it refers again to a map which will accompany this report; does that refer to the same map?

Q. I take it that it does.

Q. You signed the report; have you any doubt? A. I have no doubt it refers to the map of the railroads prepared by Van Cleef & Betts.

Q. And you intended to print as many as would correspond with the number of your reports? A. That would be the assumption; yes, sir.

Q. (By Chairman Voorhees)—A new and corrected map each year? A. I have always understood that the maps were corrected up to date each year.

Q. Then you are not aware that this map was first printed from a stone in 1887, and that it was never changed until 1892, when the changes were made, and that from that time to this no further changes have been made in it? A. I wasn't aware of it; no, sir.

Q. That is the evidence. You were not aware then that this which has the dates on it 1894-5, and which has been sent out during the past year was two or three years behind date? A. No, sir; I wasn't aware of that; I don't know that it is.

Q. Well, I can show you that there are a number of railroads which have been operated for two or three years that are not here. You will not find the Lehigh Valley Railroad across the Newark Bay there; you will not find the Perth Amboy and Raritan Road there, which has been operated three years, I think, certainly two, and I think Col. Van Cleet called attention to a third. No, the evidence is that no changes have been made upon it, except with a pen, since 1892.

Q. (By Chairman Voorhees)—Who prepared the report of the Board annually? A. What we call the literary portion of the report has been written by different members of the Board; Senator Cattell wrote the report up the second year that I was in the Board, and then he asked me to write the report, and the literary portion I wrote for three years, and I believe since then I supervised each year's reports, although I have not written them entirely—that is, the portion which we call the literary portion, the front part. The figures and the statistics are made up from the returns of the railroads and the corporations.

Q. Are you aware that the State was paying for returns of certiorari of the Central Railroad system and by the Central Railroad system and other companies every year from 1885 to the present time? A. I wasn't aware that they were paying any-

thing, except what had been arranged by the Attorney-General; that matter was entirely in the Attorney-General's hands; we never interfered with it in the slightest.

Q. Were you aware that the telephone in Col. Van Cleet's house was being passed among your vouchers and paid by the State? *A.* I was not, sir.

Q. (By Chairman Voorhees)—Did the Board order it placed there? *A.* Not to my knowledge.

Examined by SENATOR SKIRM.

Q. In the year 1891, the year that the State expert for printing threw out the cost of maps and said that they were not included in the contract, and the Comptroller that year simply certified to the same thing, and yet, on a bill here, dated June 1, even if the Comptroller had thrown that out, here is a bill to the John L. Murphy Company for \$1,540, for maps and clasps, which I see is approved by you as President, and also by two other gentlemen of the committee; why should a change have been made that year when the previous Comptroller had been certifying the State bills; this is June 1, 1891, for publishing the map of 1890? *A.* It was a new Comptroller, I think, at that time.

Q. Well, that is not my point. Mr. Bechtel here, after this report had been submitted to him, says, "I have examined the within bills and find them correct as per contract, except that there is no contract for maps, and for some other matter." These, apparently, have been printed year after year without any apparent authority of law, excepting the order of the State Board of Assessors. You so understand that? *A.* The way I understood that was this: The Board are required to make a report to the Legislature, and in making a report to the Legislature they deemed it necessary, and it was, that a map of the railroads of the State should accompany the report.

Q. They were a part of your report? *A.* Part of the report, and as I understood at that time, the Comptroller previous to that date had so interpreted it, and it had been passed as part of the bill for the report ordered by the joint committee of the Legislature.

Q. And yet the State Board of Assessors knew each year, and the Comptroller certainly knew each year, that this map was going to be published; now, why shouldn't the Board have that advertised under contract the same as any other printing for bids; therefore the State would have saved the difference according to the bills of Francis & Loutrell and some others, where the map would cost the State about four cents apiece, and some

years possibly six, and yet the State of New Jersey paid 25 cents for the maps and one of them 30 cents,—and yet it has not been brought out why the maps were more expensive one year than the other. Now, why should the State Board of Assessors have done that? In other words, why should they squander the money, or why should the money of the State have been squandered in excess charges and the bill certified by the State Board of Assessors and also by the Comptroller—maps worth four or five cents apiece charged twenty-five and thirty cents apiece. My question is, why the State Board of Assessors should have permitted that? *A.* I have answered that question before.

Q. I didn't so understand it. *A.* The maps were made originally as part of the report and included in the bill that was rendered for the report, which did not come before the State Board of Assessors.

Q. And yet the State never asked for bids for the map? *A.* That I don't know anything about; I am telling you about the time the inception of the thing was that the maps were ordered and included in the bill for reports that were ordered by the Joint Committee of the Legislature.

Q. (By Chairman Voorhees)—Didn't it strike you as being just a little bit irregular that the Board should order of its own secretary a map prepared by him and pay him for it? *A.* I think that the general understanding was—mine was that the secretary of the Board had no interest whatever in the map at that time.

Q. (By Chairman Voorhees)—That was your understanding? *A.* I understood it so.

Q. (By Mr. Corbin)—Who did you suppose owned it? *A.* The printer who supplied it; I hadn't the slightest idea that anybody but the printer was interested in the supply of the map, and I differ with you on the railroad map, Senator Skirm, as to its value; a map of that size at 25 cents is not an exorbitant price.

Q. The bills have been shown here of Francis and Loutrel where a thousand maps would cost \$48; that would be a little less than five cents a piece, and a few maps, the first lot perhaps, including the stone, for six thousand maps only cost about seven cents apiece colored, and yet the State Board of Assessors have permitted their Secretary to have, I think, not to use any harsh language, to have got out of the State of New Jersey at least from 17 to 20 cents apiece more for maps than they were worth. Now, shouldn't the Board of Assessors discover that fact? *A.* I don't know how they could very well under the arrangement of the purchase of them.

Q. Then shouldn't the Board have ordered the maps; we have been trying to find out who gave the order for the maps. *Mr. Van Cleef*, the Secretary, states that the Board ordered them. Now, as I understand you, you say that they were ordered by some indefinable person through the printing committee, or somebody else? *A.* Originally they were ordered included in the report, and after that date they were adopted by the Board as part of their report, as they were before, and the bill was approved by the Board, and there don't seem to be any question about that.

Q. (By Chairman Voorhees)—How did you come to approve the bill of June 1, 1891, for six thousand maps? *A.* You mean the method of its being presented?

Q. (By Chairman Voorhees)—Yes? *A.* The bill was undoubtedly presented by the Secretary, and with the statement that "this bill is correct," and the Board approved it and instructed the President and the Auditing Committee to approve it and send it to the Comptroller.

Q. (By Chairman Voorhees)—You relied upon the representations of the Secretary? *A.* Most assuredly; no question about the integrity of the Secretary has ever been brought before the Board, and the Secretary says we have six thousand reports and required six thousand maps to go with the reports, and the Board would take his statement for it under all the circumstances, of course.

Q. Hasn't *Mr. Van Cleef* been very active and an efficient Secretary of your Board? *A.* He has made an excellent Secretary, for this reason, that his intimate knowledge of the first years of the Board, which were very turbulent, assisted the incoming members with keeping along with the decisions of the courts and so on, which we might in a moment of carelessness encounter and upset the entire assessment; in that respect he has been very efficient.

Examined by *MR. CORBIN.*

Q. Haven't your Board practically followed the way that was laid out before you by the original Board in 1881? *A.* Yes, in almost everything, and advised to do that by the Attorney-General, because the original Board before I went into the Board in 1889 had made a fight for the State and had won it.

Q. Has there anything come before the Board during these years you have been there except the adding of new branch lines and registered values in the matter of details? *A.* The duties of the Board have been more particularly my duties, be-

cause I came to the Board as a practical railroad man; the valuation of the new railroad properties and the valuation of old railroad properties, which values had necessarily changed because of depreciation.

Q. There has been no radical change in the valuation of the railroad properties from that made by the original Board, has there? A. I think there has; I think the general system adopted by the original State Board has been adhered to, particularly as relating to first and second-class properties and franchises, but main stems have changed very materially in value and in details of value, maybe not so much in the aggregate, but in detail.

Q. (By Senator Ketcham)—When you checked up that bill did you know that it had been discarded by the State expert on printing? A. I can't say that I did.

Q. (By Senator Ketcham)—Well, isn't the fact before you there that you have testified to a bill as correct which had been thrown out by the State expert on printing? A. I haven't the slightest knowledge on that point.

Q. (By Senator Ketcham)—You didn't know about that? A. No, sir.

ANTHONY R. KUSER, sworn.

Examined by MR. CORBIN.

Q. Are you a member of the State Board of Assessors? A. Yes, sir.

Q. How long have you been such? A. Since 1892, in the spring.

Q. Do you know anything about the ordering of these maps? A. Yes, sir.

Q. What? A. Why, mostly every spring when the report was ordered we ordered the maps with them, the same as has been customary to do before my time.

Q. Were you there in the spring of 1892? A. I can't remember whether I started in the spring; I think the report was out before I got in.

Q. Then, that new map, which they had made in the spring of 1892, had already been ordered up before you took a hand? A. Yes, sir.

Q. Do you know who made the plate for it? A. No, sir.

Q. Well, then, in 1893 and 1894, the subject came up again, did it? A. Yes, sir.

Q. Was the subject discussed in the Board? A. No, sir;

merely recommended that the secretary order the maps to go with the report.

Q. That is a clause in the report? A. Yes, sir.

Q. You signed the report? A. Yes, sir.

Q. Who put that clause in there? A. General Spencer; he generally wrote the report, as president.

Q. Did you know the maps hadn't been corrected up to date? A. No, sir.

Q. Did you suppose they had? A. We generally had some marked, at the office.

Q. Marked with a pen? A. Yes, sir; when we went out we used them.

Q. Did you know how many came there? A. I did not.

Q. Did you suppose as many came as there were reports? A. I certainly did.

Q. And as many as were on the bills? A. Yes, sir; the bills came to us, I think, the last year—I think I was on the auditing committee; before that I was not—I think, the last year.

Q. The Board recommends the map every year and adopts it? A. Yes, sir; but I think the last year—I was only on the auditing committee—Mr. Wismer was president that year.

Q. Did it come up when this last report was made out to the Legislature a few months ago? A. The same as usual, I have no doubt it is; I can't remember now whether it did.

Q. You don't remember anything that was said about it? A. No, sir; I can't remember anything of the details.

Q. The whole thing was left to the secretary, wasn't it? A. We recommended the maps and he was to order them from the printer; I never knew that Mr. Van Cleef got any money from the maps.

Q. Didn't you know that he was the proprietor of the maps? A. I knew he had some interest in the original stone.

Q. But you supposed that that didn't continue? A. I thought he had sold that and I didn't know he had it.

Q. Who did you think he had sold it to? A. I didn't know; it wasn't our business to find that out; I didn't know that he got any money out of it until I was here last week and he gave his testimony.

Q. Did you know he had a telephone in his house? A. Yes, but I didn't know—

Q. And the Board was passing it? A. We got a bill for telephone; I didn't know it was for his house; we have one in our office.

Q. It is charged to the State Board of Assessors. A. We got our telephone bills—come in for telephone and telegraph.

Q. But you were not aware that you were paying his telephone bills, too,—and these returns to certioraris, you knew nothing of that? A. I knew the Central Railroad certioraried the assessments every year.

Q. Did you know the State was paying for the returns? A. That was a matter for the Attorney-General, I think.

Q. Did you know about it? A. No, sir.

Examined by SENATOR SKIRM.

Q. On the telephone question, who certifies these telephone bills? A. I think last year our committee—I was on the auditing committee, and I did, but I never thought; I am one of the auditing committee; the president generally signed first, and Mr. Kelley and myself generally signed later.

Q. (By Chairman Voorhees)—Didn't you know the number of the telephone in your office? A. Yes, sir.

Q. You didn't look at that bill very carefully. I want to see the endorsement. The first one is endorsed correct, passed for \$14.25, signed by Mr. Kuser and approved by F. H. Wismer, President State Board; and then the next one is approved, F. H. Wismer, and has the endorsement of Col. Kuser; and the next is approved by F. H. Wismer, President. Is Mr. Wismer now president? A. No; he is not a member any more; when a bill comes to us the secretary brings them and says they are all right, and we do not go to the telephone company to see if they are correct.

Q. I presume that matter of the details of the office work has been left very largely—these clerical matters have been left very largely to the secretary—and then you have an additional clerk there; so it is his business to attend to these detail matters, is it not; that is, the general little details of the office work—the secretary? A. Yes, sir.

Q. So that if the secretary handed you these bills you would undoubtedly approve them as correct? A. It isn't on that bill that I certified to it—542?

Q. (By Mr. Corbin)—Yes, here is your name on the back of this one. A. Certainly; we have lots of small bills, for stationery, &c.

Q. Is this telephone now being paid for by the State? A. I really don't know; I didn't know it was paid for.

Mr. Corbin—The evidence in regard to these matters has been put before the Committee in such a fragmentary

way, and with so many interruptions, that with the consent of the Committee I think it is only proper that I should briefly sum up the evidence that has been offered. It is quite possible that a person not having followed it closely might not see exactly the bearing of the law and just what it is.

The evidence is that in 1887 the State Board of Assessors in their report said to the Legislature that they had determined to cause to be prepared a map, and that they had caused a map to be prepared, which would accompany their report. The evidence is that they bought the drawing table on which it was drawn and the paper on which it was drawn and sent them to Somerville and paid the freight on them; that they bought certain drawing instruments for use there, and they paid sundry other items, for which I showed the vouchers, for the purpose of preparing the maps. I showed vouchers also where they had paid Mr. Betts \$80 and \$60, and possibly other sums, for drawing, but Mr. Betts explained with reference to those vouchers that he was also drawing for the State Board of Assessors county maps of railroads, and that those referred to the county maps, and not to these two. The map was drawn at Somerville by Mr. Betts, employed in the Department of Education, and by Mr. Van Cleef, Secretary of the State Board. The map was transferred to stone by the Thomas & Wylie Company in 1887, and the manager of that company testified here and brought the duplicate invoice of his books to show that one edition and no more has ever been printed from that stone, and that that edition was six thousand copies. Mr. Van Cleef said that there was but one edition, but his memory was that it was ten thousand copies, but he says distinctly, "I can't be sure." Mr. Betts said that the first edition was six thousand, but he thought a smaller edition had afterwards been printed, but he would not be sure.

The reference to the books and production of the manager makes it clear that they are mistaken. There was just one edition printed, and that was six thousand copies in the year 1887. No more maps were made or printed by anybody until 1892. In the meantime Van Cleef, or Van Cleef & Betts, through Mr. Chew and through Murphy and through MacCrellish & Quigley, sold of these original six thousand, twenty-eight thou-

sand five hundred to the State in annual installments at twenty-five and thirty cents apiece. Furthermore, the State bound or mounted 703 of those maps, for which I produced the vouchers, and of those mounted maps Messrs. Van Cleef and Betts sold to sundry State officers at \$3.50 and \$3 apiece, producing \$225. Mr. Van Cleef said they had sold them to lawyers throughout the State also at the same price; how many, he did not say, nor is there any evidence, but that they must have been part of that edition is conclusively shown.

In 1892 this second map was made by photographing the first and reducing its scale and that was produced on metal. Who made the plate we do not know; Col. VanCleaf refused to disclose it; the map has no imprint upon it, and the members of the State Board of Assessors of whom I have asked the question say that they do not know. Col. Loutrell does not know; but a plate made for Col. Van Cleef by somebody was taken to Francis & Loutrell, practically as soon as it was made, or in May, 1892, and in May, 1892, he gave an order to Francis & Loutrell to print him from that metal plate two thousand copies of that map. Again the next year, one thousand, and again in 1894 one thousand. There have been printed from that plate four thousand copies. There have been printed from the stone, as I have before stated, six thousand. The entire number of copies of this railroad map ever printed by anybody is ten thousand. The State has paid for forty-one thousand five hundred, and has paid for the mounted ones, as I have stated, and has paid a good part of the cost of originally producing the map.

Now that is the evidence, which is practically undisputed, with regard to it. The only fact about it that we have not disclosed to the Committee is, who made the metal plate? The methods by which the maps were marketed upon the State we have had disclosed here by the evidence of the printers; it was done in their name but not one of them ever saw the maps or ever handled them; it was all done, as is clearly shown, by the Secretary of the Board himself.

I ought to comment on one further fact, and that is, of the four thousand maps printed from this plate fourteen hundred now remain in New York City in the possession of Francis & Loutrell, so that twenty-six hun-

dred is the most that could possibly have come from them to this State. The State has paid for twelve thousand of those printed from that plate. The entire cost of this map, paid in the different ways I have mentioned, to the State, at the present time, as I figure it, is \$11,219.

OLIVER KELLEY sworn.

Examined by MR. CORBIN.

Q. Were you a member of the State Board of Assessors? A. Yes, sir.

Q. During what period? A. I think I was a member in the spring of 1891.

Q. And four years until 1895? A. Yes, sir.

Q. Do you know anything about the ordering of these maps of the railroads of New Jersey? A. No, I didn't, only what come in the usual way; I went in the office in 1891 a new member, and listened somewhat to the older members and to the secretary, whom I had the utmost confidence in; supposed what he placed before us for was correct.

Q. Did the matter of purchasing the maps come up for discussion before the Board at any time when you were present? A. I don't remember that exactly; I think matters pertaining to the office in the way of any supplies naturally came up—must have.

Q. Do You know that the report contained every year a clause saying, "we have readopted this map and it will accompany our report?" A. Yes, sir, I think that I did; yes, sir.

Q. You didn't draw that? No, sir.

Q. Who drew the report? A. Well, I couldn't tell you at that time.

Q. But you signed it annually? A. The report, yes, sir; I think the President, I don't know but what the secretary occasionally.

Q. Were you aware that these maps were being paid for year after year without being actually delivered to the State? A. No, sir; I supposed they were, without a doubt.

Q. When did you first learn that? A. I never learned of it until this discussion came up.

Q. You supposed the Board was furnished with what was paid for? A. Most decidedly.

Q. I suppose you gave no personal attention to it? A. Not particularly; I had the utmost confidence in the secretary; if I hadn't I would have questioned every act that he done.

Q. And it was left to his charge? A. His charge; yes, sir.

Q. Did you know that the Board was paying for the telephone in his house? A. I did not; no, sir.

Q. Did you know that the State was paying for the returns to writs of certiorari where the railroads were questioning their taxes? A. Well, I didn't know, but I knew that there was certioraris, and between the Secretary and the Attorney-General's office I didn't know.

Q. You paid no particular attention to that? A. No; I had confidence in him that he wouldn't bring a bill in for a few dollars more or less; if I hadn't had the utmost confidence in him, I should have taken different steps in regard to it.

Mr. Corbin—In regard to this map, by totaling up the different items that have been proved here of the cost of making the original stone and printing the different editions, the entire amount from the beginning to now seems to be \$892.13. That, however, necessarily excludes the cost of making the metal plate, which we do not know.

Senator Ketcham—Was that necessary, when they had the original stone?

Mr. Corbin—Undoubtedly the editions could have been ordered from Thomas & Wylie.

Senator Ketcham—Why not order another edition right from them then?

Q. I show you a bill, being voucher 1813, March, 1890, being a bill of the Pullman Palace Car Company to the State of Board of Assessors for \$488.33, expenses and car service on the inspection of the railroads in the State of New Jersey during 1889; what was that for? A. That was before my time.

Mr. Corbin—I call the attention of the Committee to the law creating this Board, which provides that the State Board of Assessors shall have free transportation over all the railroads of New Jersey for the purpose of making inspections and making their valuations and examinations of properties, to be found in the act of 1884 creating the Board.

I offer in evidence the bill marked "Exhibit 255." The bill is this: "New York, December 4, 1889. New Jersey State Board of Assessors, to Pullman Palace Car Company, by H. C. Billings, superintendent, to expenses and car service on inspection of railroads in the State of New Jersey during 1889, \$488.33. Correct. H. C.

Billings, Jr., superintendent. Correct for \$488.33, F. H. Wismer, A. M. Reynolds, committee on audit." "Approved. A. G. Cattell, State Board of Assessors. Paid."

Mr. Van Cleef in his testimony the other day volunteered several statements of matters which he was not questioned about, and as he has said that he intended to make some statement, and he has mentioned those matters, I will offer in evidence the bills referring to the matters to which he referred.

One of the matters was the bills which he rendered to the State for taking the affidavits for the Miscellaneous Corporation proceedings before the Chancellor. The bills are these :

"November 17, 1890, preparing and taking affidavits of Miscellaneous Corporation cases, 170 affidavits, \$42.50." "Exhibit 256."

"May 12, 1890, taking affidavits and testimony, \$140." "Exhibit 257."

"June, 1891, taking 168 affidavits, \$42." "Exhibit 258."

"November 5, 1891, 158 affidavits, \$39.50." "Exhibit 259."

"February 6, 1892, taking affidavits, \$55.50." "Exhibit 260."

"August 29, 1893, taking 198 affidavits, \$49.50." "Exhibit 261."

"February 13, 1894, taking 150 affidavits, \$37.50." "Exhibit 262."

There are sundry bills here for legal services, taking testimony, and a variety of other things; I don't know that I care to offer them. I have Colonel Van Cleef's vouchers all here, which are quite numerous.

Recess.

Mr. Corbin—I understand that Mr. Wismer, the witness who was absent this morning, is now here.

Chairman Voorhees—In justice to Mr. Wismer it is but fair to state that he sent a message to the Chairman, stating that he would be here at 12 o'clock. The Chairman did not receive the message, however.

FERDINAND H. WISMER, sworn.

Examined by MR. CORBIN.

Q. You were a member of the State Board of Assessors? A. I have been.

Q. During what years? A. From 1887 to 1895.

Q. Were you chairman of the Board? A. The last two years I was.

Q. Were you in the Board when they first adopted the map of the railroads of New Jersey? A. No, sir.

Q. That was first adopted before you went there? A. Yes, sir.

Q. Did you know that they adopted it in their report from year to year? A. Yes, sir.

Q. Re-adopted it every year? A. Yes, sir.

Q. Was it a subject under discussion in the Board? A. Not that I know of; no, sir.

Q. Did you ever know anything about the details of furnishing the maps? A. I did not.

Q. Did you know who furnished them? A. Yes, sir.

Q. Who? A. Van Cleef and Betts.

Q. You knew that the maps came from them every year? A. Yes, sir, because the first new maps which we had when I came in they had their names on.

Q. That was the year the map was published? A. Well, that is it; I came in shortly after the maps had been ordered.

Q. Did you know that the map was afterwards revised? A. Yes, sir.

Q. More than once? A. I don't know more than once; I can't say; I know once, because it was made a trifle smaller.

Q. Who made it? A. I can't tell.

Q. Don't know who took charge of it? A. Mr. Van Cleef, I presume.

Q. You knew that bills came in for the maps every year? A. Well, I don't know whether the bills came to the Board or whether they went with the reports.

Q. You supposed that the maps that were billed to the State had all been supplied, did you? A. Yes, sir.

Q. You didn't know that the maps had never been furnished? A. No, sir.

Q. But you did know that Van Cleef & Betts were the owners and got the money? A. Yes, sir, presumably they got the money.

Q. When did you first learn that more maps had been billed

to the State than had been received? *A.* When I seen an account in the newspapers of the investigation here.

Q. Did you know that the State was paying for Mr. Van Cleef's telephone in his house? *A.* No, sir.

Q. Did you know the State was paying for the returns to certioraris? *A.* I think I did, yes, sir; I think I heard Mr. Van Cleef say that he received a small fee for the return of certain certioraris; I couldn't say now whether they were railroad certioraris or whether they belonged to his private practice.

Q. You only heard him speak of it? *A.* Yes, sir.

Examined by SENATOR SKIRM.

Q. Mr. Wismer, you are the only member of the Board that said he believed Van Cleef and Betts were furnishing these maps. Do I understand you to say that? *A.* No; they furnished them originally.

Q. But I understood you to say that you understood and believed that Van Cleef and Betts furnished this map to the State?

A. The first map I am speaking of; the one which I found in the possession of the Board when I became a member.

Q. You found it there; you were President of the Board for two years? *A.* Yes, sir.

Q. Do you know that these maps were furnished to the State?

A. Well, I had a right to presume that they were.

Q. By what right? *A.* Because we always had all the maps that were called for to be sent to different parties.

Q. But, as President of the Board, I would like to know whether you gave any attention whatever to the duties of this position or not, or whether you simply accepted what the clerks or secretary of this Board said as to the facts of the office. *A.* Attention to what?

Q. Just such details as this expense, which has cost the State of New Jersey between eight and ten thousand dollars for goods they never received. I want to know whether as President of the Board you gave any attention, or whether you took it upon the certificate of the secretary, that these maps were furnished?

A. I never counted any maps.

Q. But you occupied the position of President of the Board?

A. Yes, sir.

Q. What were your duties as president, simply to draw your salary, or simply to give your attention to the details of the office? *A.* No; my principal duties were to attend to the details of the assessments of railroads and miscellaneous corporations.

Q. And so, therefore you didn't give your time to the clerical duties of the office? *A.* No, sir; no clerical duties; I don't understand that.

Q. You didn't, as President of the Board, supervise the details of the office? *A.* Well, yes; to some extent, certainly.

Q. Well, to what extent? *A.* As far as I considered it necessary to fill the position which I held.

Q. Then you believed the certificate of the secretary that he had furnished each year six thousand maps to the State, that that certificate was sufficient for you as a member of the Board to approve? *A.* Well, I didn't certify to the correctness of having six thousand maps furnished every year.

Q. No, possibly not, but yet, as I understand, as President of this Board, and for the Board each year to recommend in your report that additional maps be furnished, wasn't it your place as a member of the Board to know whether six thousand maps had been furnished, and whether they were necessary for the State to have? *A.* In this case I think that the Board, not only myself but the Board, all the members of the Board, took the word of the secretary.

Q. That is what I want to get at. *A.* Because I didn't consider it part of my duty to count the maps; I never counted the reports which we sent.

Q. No, that is all right; we don't suppose that you simply counted the maps; but you as President of the Board ought to have known whether six thousand maps were furnished for your report which you helped to prepare, whether there was any necessity for more maps.

Senator Daly—May I ask a question?

Senator Skirm—No, not until I get through.

Q. My question is whether, as President of this Board—you say you didn't count the maps; of course you didn't count the maps; nobody else would count the maps, and it appears for eight years nobody has counted the maps—but what I asked you, as President of the Board, whether it was not your duty to know whether these maps were ordered when, in your report, you recommended that additional numbers be purchased? *A.* All I have to answer to this is, that at different periods large rolls of those maps were brought into our office, at least I seen them there, and the other members, I guess, the same way—whether there were two thousand or five thousand, that I couldn't say. After that all the reports and maps were all taken into our vault, which I have never seen; I have never been inside of it.

Q. No, there hasn't been any furnished, according to the evidence; there were six thousand maps originally; they lasted from 1887 to 1892, and then there has been twenty-six hundred maps furnished since; so that you couldn't have seen many rolls of maps during these years while you were President? *A.* That is what I say; I don't think we ever got six thousand maps a year during my presidency; I don't think they were ordered; I don't think they were paid for by the State, neither, not to that extent—not at the rate of six thousand.

Q. For many years they were? *A.* I am speaking of the two years which I was President.

Q. What years were you President? *A.* 1893 and 1894.

Examined by MR. CORBIN.

Q. We have a voucher here showing that the State Board of Assessors audited a bill of \$488 of the Pullman Palace Car Company, for 1889, and it was paid. What was it for? *A.* Why, that must have been for an extended inspection trip which the Board made; I remember it, because it was the only trip which took as long as that did during my whole time.

Q. Have a special train of Pullman cars? *A.* Well, it was, in a number of cases, if I remember right; that is, just a Pullman car and an engine, and in some sections or parts of our trip, I think, it was attached to a main train; but we used this Pullman car as a kind of a hotel, too; we slept in it, a number of nights, different places.

Q. And it was the car company's bill for the service? *A.* I presume so. That came about in this way; before I became a member of the Board, the Pullman Company had furnished passes to the members of the State Board; the Board had assessed the company, and they commenced proceedings against the assessment.

Q. And they didn't give you passes afterwards? *A.* I think it was Judge McDermott who contested or defended, or had the case for the State; anyway, they didn't give any passes afterwards; and when this extended inspection had to be made it was considered cheapest and the best way to have that Pullman car.

Q. You didn't take a special train of three Pullman cars at times? *A.* I don't think we ever did; I don't think—we got to Trenton once when we changed there from the northern part of the State to the southern, or vice versa, and that Pullman car got bad and we laid here four or five hours for another one to be sent.

Q. I asked you whether you did not at times take a special train of Pullman cars, of three cars? A. No, sir.

Q. (By Senator Skirm)—How long a time did you have the Pullman cars that amounted to \$488, was it months? A. No, sir.

Q. (By Senator Skirm)—Well, how long a time? A. The longest trip we made, I couldn't tell, now, except approximately; it may have been twelve days, it may have been ten days—only I know it was over a week; of course there were sleepers and everything.

Q. (By Senator Daly)—When your Board passed these claims for maps and paid these printers' bills of course you had before you the bills and an ordinary affidavit attached to it that the things were furnished? A. Certainly.

Q. (By Senator Skirm)—Now, then, I would like to ask you—
Senator Daly—Now, you hold on; you stopped me a while ago.

Q. (By Senator Daly)—Now, sir, when the affidavit of Mr. Murphy was presented to you, signed by Mr. John L. Murphy, you assumed that he swore to the truth, didn't you? A. Certainly.

Q. (By Senator Daly)—And the other affidavits that were presented to you by these publishers swearing that the goods had been furnished, you believed them, didn't you, that they were swearing to the truth? A. Surely; yes, sir.

Examined by SENATOR SKIRM.

Q. Then I would like to ask you whether these bills of John L. Murphy Company and Sinnickson Chew, and MacCrellish & Quigley ever came before your Board for your approval. That is the question that Senator Daly asked, that when you approved the bill—now, did you ever approve a bill for these maps? A. I can only speak of the two years during which I was President.

Q. Did you approve those bills? A. I couldn't tell.

Q. But you said a moment ago that you did. A. All bills—I thought Senator Daly's question was a general question.

Q. No; it was specific. I only asked you to answer the question whether you ever certified it in the bills for printing maps. A. I couldn't tell you unless I seen them.

Q. But you answered the question a moment ago that you generally supposed, of course, that these printers when they made their affidavit swore to the truth. Now, the fact is that you never saw those bills? A. I can't say.

Q. Of course not; they never came to you. A. Perhaps not.

Q. Therefore your answer to that was not relevant. *A.* I beg pardon, because I understood Senator Daly's question to mean if one of those bills was presented to me for approval and they had a proper certification on them, whether I took their affidavit as being sufficient, and I said yes.

Q. You are mistaken, because those bills— *A.* I beg your pardon, I was not, because I now refer to all bills.

Q. No, but printing bills, and maps, that these bills were paid by Comptrollers. *A.* The Senator didn't say the bills for printing maps; he asked about general bills.

Q. Then I will ask you what Senator Daly did; when these printing bills came to you, did you certify to all printing bills? *A.* I could only tell you—

Q. No—you know whether you certified to these bills or not? *A.* I couldn't, for the very reason that there were a number of bills; a number of bills I had to certify to at different times: how can you expect me to remember any one particular bill? If you find my signature on it, then—

Q. You remembered a moment ago when you answered Senator Daly, the one bill of June 1, 1891, and that is the only bill that has been certified to, and that was certified by General Spencer and Mr. Wismer, but all other bills went through the regular channel, because Mr. Heppenheimer, as Comptroller, rejected the bills, and that one, of course—that is the only one of the eight years— *A.* Yes; I was a member of the Auditing Committee.

Q. And that is the only bill which bears your audit; that was what excited a remark this morning, and I thought that this bill was the only bill that had any certificate of the State Board of Assessors, and that the other bills simply went in with the printing and was certified by the Comptroller, and, therefore, this was the only bill that you must have certified to with reference to these maps? *A.* As regards the maps; well, may be as President I signed bills; I can't say.

Chairman Voorhees—As a matter of fact, this was the only bill that went before the Board.

Examined by MR. CORBIN.

Q. You speak of the affidavits and said you depended upon the affidavits attached to the bills; when you audited the bills did you take pains to see that they were properly sworn to and attested? *A.* At times they were sworn to right in my presence, and I know that in many cases bills would be received—small

bills, we haven't any large bills any way, small bills, and would be copied on a form which our Secretary had.

Q. You don't answer my question. Was it your custom to look at the bills to see if they had been sworn to? *A.* Why, no, many bills came without any affidavit.

Q. Did you approve them without any affidavit or send them back? *A.* I approved them when they were small bills, express bills, telephone bills.

Q. How is it that all Col. Van Cleef's bills, a very large number of them, have no affidavit attached to them? *A.* It should have been attached before it was paid.

Q. I think there isn't one out of the entire number that has an affidavit. *A.* I didn't consider that my duty; I thought you know, that when a bill was audited and signed and sent back before the parties got paid they would have to fix that.

Q. If the Secretary of the Board said it was correct you signed it? *A.* Yes, sir.

Q. And whether it was his bill or anybody's else bill the Board signed it if he said it was right? *A.* I don't know that he ever had any personal bills.

Q. No; but his handwriting appears on all these bills. You didn't know that he had any personal bills? *A.* Except for expenses.

Q. Didn't you know that he had a whole file full of them? For instance, here is one, which is the sample of a great many, "Voucher of 1889, to John T. Van Cleef, for disbursements." You certified to that? *A.* Yes, sir.

Q. It isn't sworn to? *A.* No, sir.

Q. Well, now, all his bills are in the same condition, and there is a very large number; don't you remember any of them? *A.* I remember some of them; I remember this when I see it; Senator Cattell was President of the Board then.

Q. You didn't require of him to swear to his bills, did you? *A.* The party who was paid by the Comptroller I thought did that.

Q. (By Senator Daly)—Here is an affidavit, sworn to by John L. Murphy, that the within account is correct and just, and that the maps and envelopes were furnished, and signed John L. Murphy; you believed that, didn't you? *A.* This affidavit may have been taken after the bill was approved.

Q. (By Senator Daly)—That is your signature to it, and that one to that bill is dated June 1st, and the affidavit of June 16th. Upon what did you approve that bill, upon the strength of the affidavit of the gentleman alleged to have furnished the goods?

A. No, I can't say that, because I don't know whether this affidavit had been taken when we signed and approved the bill.

Senator Skirm—That bill is approved on June 1st and sworn to on June 16th; how can you do that?

Senator Daly—Let me correct the gentleman from Mercer; it don't say it was approved on the first day of June; that is the date of the bill; the affidavit is taken on the 16th; and the presumption would be it was approved on the day on which the affidavit was taken.

Chairman Voorhees—The long and short of it is that you relied almost entirely upon representations of the Secretary as to the correctness of these bills.

Witness—Well, yes, sir; that is about the effect of it.

Senator Ketcham—Before we call another witness I think we ought to make a little statement concerning what transpired just before the noon recess.

The impression has gone out that this Committee is willing to take written statements from parties instead of verbal testimony, and I find that that impression has gone out pretty generally and unfavorably. I think it ought to be understood that if the Committee accepts any statement of that kind it abates none of its rights to place the person upon the stand and secure any and all kinds of testimony that may be had.

Senator Skirm—I don't understand that this Committee has agreed upon anything. That statement was made this morning that a gentleman was preparing a written statement. I don't think the Committee has taken any action upon it, and if the impression has gone out that the Committee mean to do that, the impression is entirely erroneous as far as one member of the Committee is concerned.

Chairman Voorhees—You can count a majority of the members of the Committee with you.

Senator Ketcham—And several members of the Committee expressly said that they wouldn't accept such a statement as a full and final answer.

Senator Daly—Is this for the benefit of the record?

Chairman Voorhees—Yes; if Senator Daly wants to go on record he may.

Senator Daly—I have no impressions to put forward; all I am waiting for is developments.

Chairman Voorhees—Let it go on with the developments.

Mr. Corbin—Mr. Chairman, I desire to open before the Committee an entirely different subject. The delicate character of it I fully appreciate, and the gravity and importance of it will be quite obvious to anyone when it is open.

I have laid such evidence as has come before me before the members of the Committee, and their judgment accords with my own that the Committee should put the testimony on record. It touches the Executive Department of the the Government and has to do with the subject of pardons and paroles.

The Constitution of this State, in Article 5, under the head of Executive, has this provision in Section 10:

“The Governor, or person administering the Government, the Chancellor and six judges of the Court of Errors and Appeals, or a majority of them, of whom the Governor or the person administering the Government shall be one, may remit fines and forfeitures and grant pardons after conviction in all cases except impeachment.”

An act was passed in 1853 after the adoption of this Constitution which calls this Board of Pardons a court; it is not a court as established by the Constitution, but an executive board, and all that is said about it in the constitution is under the head of the Executive Department.

In 1853 it was provided that this Board should hereafter be called the Court of Pardons, and that its records should be open to inspection. That will be found in the Revision, page 794. In 1881, supplement to the Revision, page 783, an act was passed providing that a prisoner who had served out his full term might apply to the court for pardon and restoration to his rights, and that that prisoner might be heard in person before the Court of Pardons or by one counsel. In 1887, on page 246 of the acts of that year, it is provided that hereafter the records of the Court of Pardons should be public records and open to the inspection of the public in the same manner as the records of other courts in this State.

The evidence which I shall produce—much of it—has been matter of common property about the streets, matter of the commonest rumor, and has become, I might almost say, common scandal; and as I have said, in lay-

ing such evidence as has come to me before the members of the Committee, the Chairman and others, they have said that the evidence should be put upon the record.

EDWARD D. FOX, recalled.

Examined by MR. CORBIN.

Q. Do you hold any office in connection with the Court of Pardons? A. Yes, sir.

Q. What is it? A. Pardon clerk.

Q. How long have you been pardon clerk? A. I think some twenty odd years.

Q. What records do you keep in your position, if any? A. I have only the cases presented for pardons and paroles.

Q. Do you keep the applications for pardon? A. Yes, sir.

Q. And the petitions which are presented? A. Yes, sir.

Q. And such papers as the prisoner presents for consideration? A. Yes, sir.

Q. You file them? A. Yes, sir.

Q. Where are they preserved and kept? A. They are kept in one part of the vault.

Q. In what office? A. In the Governor's room—in the vault of the Governor's room, one place specially set apart.

Q. And they are filed in the way these papers are that we see here? A. Yes, sir.

Q. All the papers connected with one case I suppose are filed together? A. Yes, sir.

Q. Have you any record of the court in your possession except what appears in these papers and on these reports? A. That is the only thing I have, sir.

Q. Who keeps the minutes of the court? A. The Secretary of State.

Q. As clerk of the Court of Pardons? A. Yes, sir.

Q. And has he the record of paroles also? A. Yes, sir: generally when a prisoner is paroled or pardoned it is marked on the envelope.

Q. You have the records of the Governor's office in the matter of the application for pardon of Evangeline Hamilton? A. I have, sir.

Q. Will you produce that? A. That is it, sir.

Q. These are the original papers, are they? A. Yes, sir.

Mr. Corbin—I offer the petition of Eva L. Hamilton, dated February 21st, 1890, and numerous signatures; also another one which seems to be a duplicate and has sev-

eral signatures upon it of the same date : also petition to the Court of Pardons of Evangeline L. Hamilton, without date, but signed Eva L. Hamilton, and William T. Hoffman, her attorney and counsel.

Also an affidavit of Simon Sternberger, taken in Atlantic county, dated April 14th, 1890.

Also a letter from Samuel E. Perry, counselor at law, of Atlantic City, to the Governor, dated April 14th, 1890, transmitting the papers :

“Hon. Leon Abbett, Governor of New Jersey :

My Dear Sir—Enclosed please find affidavit and petition in above case. I am very sincerely yours, Samuel E. Perry.” The case is *The State vs. Hamilton*.

Also a letter dated Atlantic City, March 21st, 1890, addressed to Governor Abbett and signed J. F. Hall, which seems to be a protest against the pardon.

Q. Are these all the papers pertaining to that case? *A.* Yes, sir; all that I know of.

Q. And when were they presented to the Court of Pardons?

A. They were presented previous to 1890.

Q. I see that they are dated in February, March or April, 1890, and one is without date? *A.* Yes, sir.

Q. Were they presented to the March term of the court in that year? *A.* Yes, sir; the case came up in the March term.

Q. I observe that there is a note on the back of your envelope at the bottom. Will you read it? *A.* “Passed March 19, 1890.”

Q. What does “passed” mean? *A.* Laid over for another time.

Q. The pardon was not granted, then, at that term? *A.* No, sir.

Q. What was the next term of that court after the March term, 1890? *A.* The June term.

Q. And what was the next term after that? *A.* November.

Q. Did it come up at the June term? *A.* I don’t recollect that it did.

Q. Who was present, if anybody, prosecuting this application for pardon at the March term, 1890? *A.* I recollect Judge Hoffman being there.

Q. Did he bring the papers? *A.* Yes, sir; he brought some of them.

ALEXANDER H. RICKEY, recalled.

Examined by MR. CORBIN.

Q. You are the Assistant Secretary of State? *A.* Yes, sir.

Q. Have you acted as clerk for the Court of Pardons? A. Yes, sir.

Q. How long? A. Since January 1st, 1890; some time previous, I think, to that time.

Q. But continuously since that time? A. Yes, sir.

Q. Are the sessions of the Court of Pardons open or secret? A. Secret, generally.

Q. Are counsel ever allowed before them while the court is in session, except in cases under the statute which I have read, for an application for restoration to rights? A. I don't recollect but one or two.

Q. You do recollect one or two exceptions to that? A. I think there were one or two exceptions.

Q. Were counsel allowed before them when they were in session? A. I can't say that when they were in session.

Q. Well, what do you mean? A. One case where they took a recess, and then counsel was heard.

Q. But while they were actually in session you don't recall a case? A. No, sir; I don't recall a case.

Q. Have you the minutes of the Court? A. Yes, sir.

Q. Let us see the volumes? A. Yes, sir.

Q. Have you any record of any application on behalf of Evangeline Hamilton for the March Term, 1890? A. I have a record here of the pardon, page 526, November 25th, 1890.

Q. Now, I asked you for the March Term, 1890? A. No record of that.

Q. I show you the papers produced by the Pardon Clerk; is this pencil note at the foot of the envelope your writing? A. It looks something like mine, but I don't think it is, hardly.

Q. Do you remember the fact of this application coming before the Court in the Spring Term of 1890? A. No; I have no recollection; I don't recall it.

Q. Do you recollect the case coming before the Court of Pardons in the November Term, 1890? A. I don't recollect, except by the minutes.

Q. Have you the minute of it? A. Yes, sir.

Q. On what page? A. Page 526.

Q. And the date? A. November 25th, 1890.

Q. What is the minute? A. The following cases were considered and disposed of as follows: "Evangeline Hamilton, convicted at Atlantic County Court of the September term, 1889, and sentenced to two years' imprisonment for atrocious assault, was pardoned."

Q. Is that all the record you have in the minutes of the Court.

A. That is all.

Q. Do you keep any other record of pardons except these minutes? *A.* That is all.

Q. And has the Court no records in your possession except the book of minutes and the book of paroles? *A.* That is all.

Q. Do you remember who represented Mrs. Hamtlton? *A.* No, sir.

Q. At the time in November, 1890? *A.* No, sir.

Mr. Corbin—I would say to the Committee, for the sake of drawing their attention to this particular case, that I presume they all recollect the case of Mrs. Hamilton, who was convicted, I believe, of an atrocious assault upon a servant at Atlantic City. The case was quite famous at the time. She was the wife, or the alleged wife, of Robert Ray Hamilton, of New York, a very prominent gentlemen, and there was a great deal of newspaper talk about the case at the time.

JOHN H. PATTERSON, sworn.

Examined by MR. CORBIN.

Q. You are the principal keeper of the State Prison? *A.* Yes, sir.

Q. And have been for how long? *A.* Nine years.

Q. Did you know Evangeline Hamilton, a person who was there for a while? *A.* I did, sir.

Q. Have you your prison record here, showing when she was admitted and when discharged? *A.* I have, sir.

Q. Do you remember Mrs. Hamilton making an application for a pardon, in the Spring of 1890? *A.* I think she made an application every time the Court of Pardons was to meet.

Q. Who, if anybody, was her counsel; who came to see her with regard to this first application she made? *A.* Judge Hoffman and Colonel Fuller were her counsel.

Q. Was she visited in the prison by one of those gentlemen, with reference to the subject? *A.* Yes, sir.

Q. You remember the term when she actually was pardoned, do you not; the November term, 1890? *A.* I do, sir.

Q. And you remember being sent for, to come to the Executive offices, with reference to this matter? *A.* Mr. Corbin, you know I am a reluctant witness.

Q. I know you are a reluctant witness? *A.* Personally, I have nothing to conceal, but it is embarrassing to me.

Mr. Corbin—Mr. Patterson is a witness so reluctant that I think it is only fair that I say here that he has not volunteered any of the information which he has to give.

Senator Skirm—And which the Committee all have.

Mr. Corbin—But which has come to me from an entirely different source. Mr. Patterson has hesitated long about being brought here, but at his own request I deem it but fair to say that he has volunteered nothing.

Q. Were you sent for to come to the Executive offices? A. I was, sir.

Senator Daly—Mr. Corbin, may I ask you the question, is this anything in relation to the Executive, what took place between him and the Executive?

Mr. Corbin—Yes, sir.

Senator Daly—Well, I know of no rules of law that are binding upon this Committee, but we know that the rules of law in a legal tribunal would be respected. Now, if this is any attempt to bring the late Chief Executive's name into controversy here, I desire to enter my protest. He is dead; he was the Governor of our State, and he was a great jurist, respected by most of our people, and I think we might respect certain rules of law with reference to him, and not attempt to reflect upon one who is dead and cannot appear here to defend himself—and I desire to enter my protest, no matter what the other members of the Committee may do.

Mr. Corbin—I don't know what rule of law the Senator may have in mind which he thinks is about to be violated; I also think that the Senator is premature in characterizing the evidence which is about to be produced as affecting one person or another.

Senator Daly—I have heard it rumored, and I assume your question was predicated upon something not that had been rumored, but which had been alleged against the Chief Executive, and of course communications of that character which cannot be refuted reflect upon his memory and reflect upon those whom he has left behind, and we might, for once in the session of this Committee, spare him that cannot defend himself. I don't say this out of any sentiment whatever; I desire to screen no man; but when the dead cannot defend themselves,

and are not here, and as an attempt to smirch them or an attempt to reflect upon them, especially one who has been a great citizen of our State, we might stay this hand of criticism upon his official acts. If he were here in the land of the living I would enter no protest.

Mr. Corbin—I will only say this, that all the material evidence that I shall offer is capable of retutation by living witnesses.

Q. You say you were sent for to come to the Executive office, by whom? *A.* By the Governor.

Q. State what occurred; did you go? *A.* I did, sir.

Q. Proceed?

Mr. Allan L. McDermott—I do not recognize the right to interrupt the work of this Committee, but if the testimony is in reference to the official action of one who was my friend, and whose memory I yet love, I ask that I be allowed to appear to represent that memory and cross-examine any witnesses with reference to any conversation had with the late Governor Abbott.

Chairman Voorhees—The Committee at the beginning of its session laid down the rule that no one should appear before them by counsel. However, if any one felt that he was not safe in the hands of the counsel of the Committee, he might be represented by counsel and the counsel for the Committee would put any questions that might be asked of him by the counsel representing the person. I don't see any good reason to depart from that rule now. I am sure Mr. Corbin will ask any question that you may suggest by way of cross-examination, and be glad to help you. I think I state it correctly.

Mr. Corbin—It is entirely a matter for the Committee.

Q. Proceed, Mr. Patterson. *A.* What is your question?

Q. You say the Governor sent for you and you came to the Executive offices, as I understand you? *A.* Yes, sir.

Q. With respect to this matter of Eva Hamilton's pardon? *A.* He told me it was the matter of Eva Hamilton's pardon when I got there; I didn't know what he sent for me for.

Q. What did he say to you and did you say to him? *A.* Well, he asked me who were the counsel of Mrs. Hamilton; I told him, and he recommended General Heppenheimer.

Q. What did he say? *A.* He said that he didn't think that they would succeed.

Q. What further did he say? A. That was the substance of all that he did say.

Q. Did you make any reply? A. I told him that I didn't know anything about it; I hadn't anything to do with advising her who to employ as counsel; she already had counsel employed.

Q. Did you say anything further; did you agree to make the recommendation, or decline? A. I did not; I declined to make the recommendation.

Q. Did you, in fact, recommend her to employ Mr. Heppenheimer? A. I did not, sir.

Q. When did you first see her? A. Some days afterwards; she sent for me.

Q. Well, what took place? A. She said she had been advised to employ General Heppenheimer, and directed me to retain him and give him a thousand dollars.

Q. Did you have funds of hers in your hands at that time? A. I did, sir.

Q. As much as a thousand dollars? A. Yes, sir.

Q. What did you do? A. I gave the check to General Heppenheimer.

Q. Have you the check? A. Yes, sir.

Q. Where did you see General Heppenheimer? A. At his office in New York.

Q. Where in New York? A. At the corner of Barclay and Broadway, I think.

Q. 229 Broadway? A. I think that is the place, sir.

Q. The same building in which the Governor's office was? A. Yes, sir.

Q. Adjacent to it? A. Yes, sir.

Q. Is this the check which you gave to Mr. Heppenheimer? A. Yes, sir.

Q. Did you give it to him personally? A. I did, sir.

"Trenton, N. J., November 13, 1890. The Trenton Banking Company. Pay to the order of Russ & Heppenheimer one thousand dollars. John H. Patterson."
Endorsed for deposit, "Russ & Heppenheimer."

Offered in evidence and marked "Exhibit 260."

Q. You went to New York for this purpose, did you? A. I did, sir.

Q. Did you advise Mrs. Hamilton with reference to it? A. I did not, sir; yes, sir, I did; I told Mrs. Hamilton she already had counsel, and advised her to save her thousand dollars.

Q. You advised her against doing this? A. I did; she was going out; her time expired in a few months.

Q. What did you say to Mr. Heppenheimer when you gave him this check? A. I don't remember, sir, what I said.

Q. Do you remember what he said to you? A. I do not.

Q. Did you tell him what it was for? A. He knew what it was for.

Q. How did he know? A. Because he had been, I suppose, notified that he was employed; I don't know how he knew it.

Q. But you say he knew; he seemed to expect it, did he? A. Yes, sir.

Q. Who informed Mrs. Hamilton that she ought to employ him? A. That I don't know, sir.

Q. But she had had information before you saw her? A. She must have had it; yes, sir.

Q. Did Mr. Heppenheimer ever call upon her after that, previous to her pardon? A. I don't remember.

Q. Would you be likely to know it if he had? A. He might have called some time when I wasn't at home.

Q. When did you give him this check; was it the day of its date? A. I presume so, sir.

Q. Did you draw it there in his presence, or here in Trenton? A. I think it was drawn there in his presence.

Q. Then it was November 13th? A. Yes, sir.

Q. And the pardon was granted November 25th? A. The books will show. (The prison record produced is on page 50. Evangeline Hamilton, atrocious assault, received October 5, 1889, white, age 29; from Atlantic County, and other details. The last entry is under the head of "Discharged;" pardoned twenty-fifth November, 1890).

Q. Did Mr. Heppenheimer obtain any copy of the prison record from you? No, sir.

Q. Did he obtain anything from your office with reference to this matter that you know of? A. I don't remember, sir.

Q. Did you see him with reference to this subject again before the pardon? A. I never did.

Examined by Mr. ALLAN McDERMOTT.

Q. How many days before the expiration of the term under the sentence was she pardoned? A. The record will show that.

Q. When would her term have expired? A. She would have gone out on the 17th day of January, 1891.

Q. When did she go out? A. 25th day of November, 1890.

Q. She was pardoned less than two months, then, before the expiration of her term? A. Yes, sir.

Q. Is it your custom to keep the money of the prisoners in the State Prison in your custody and disburse it under their order?

A. Yes, sir.

Q. And have you disbursed money for prisoners there, for counsel fees, before, in other cases? *A.* No, sir. Well, the money has been disbursed there, but the clerk keeps it; he is the custodian of the money.

Q. You know of moneys being paid to counsel from the fund that belonged to prisoners there, didn't you? *A.* Sometimes I signed orders.

Q. In this case the money was in your possession, and you did what the owner directed you to do? *A.* I did.

Q. You drew the check to the order of the firm of Russ & Heppenheimer? *A.* Yes, sir.

Q. Did you know that, at that time, there was a contest pending concerning the will of the alleged husband of this woman, Hamilton, in New York? *A.* I did, sir.

Q. Were Russ & Heppenheimer her counsel at that time? *A.* Yes, sir.

Q. Representing her in that suit in New York? *A.* Yes, sir.

Examined by SENATOR SKIRM.

Q. I would like to ask Mr. Patterson this: You spoke a little while ago of the objection to Mrs. Hamilton's counsel; who were the counsel, originally? *A.* Judge Hoffman.

Q. What Judge Hoffman? *A.* Judge William T. Hoffman.

Q. And who else? *A.* And afterwards Col. Fuller.

Q. Both those gentlemen were her attorneys? *A.* Yes, sir.

Q. And she was making an effort to get a pardon through these people? *A.* They were her counsel attending to the business.

Q. And then afterwards this gentleman, Mr. Heppenheimer, was substituted in place of Mr. Fuller and Judge Hoffman, or simply an addition? *A.* He was employed—he was just an addition, I suppose; I don't know.

Q. In other words, they had failed, or hadn't succeeded, and therefore Heppenheimer was called in as additional counsel?

Mr. Corbin—I don't know what the ruling of the Committee is. I understood Mr. McDermott's request to be that on matters touching the Governor he wanted to ask questions; but if we are going into a trial of any particular issue, we ought to frame it, and how far the Committee want to depart from their heretofore established rules in that respect is for the Committee to say.

Chairman Voorhees—They don't want to depart from that at all. The questions were asked in your presence. We thought when they were objectionable you would interpose an objection.

Mr. Corbin—If the questions were to be asked through me they should be handed up in writing, and I will ask them. Of course a mere repetition of the language by me taken from Mr. McDermott's mouth would be ridiculous. That I wouldn't do. I am at the service of the Committee.

Chairman Voorhees—The Committee do not want to depart from the rule that has been laid down.

Mr. McDermott—I only wish to understand the privilege I have. The testimony offered by Mr. Corbin, as the Chairman of this Committee knows, and as Mr. Corbin knows, would be excluded in any court; any testimony of a conversation with a person deceased cannot be produced in any court of law.

Mr. Corbin—That is new law to me.

Mr. McDermott—It may be new law for you. No person can testify to a conversation with a deceased party. At the opening by Mr. Corbin of this branch of the investigation there could be no misunderstanding of the innuendo that the investigation was an assault upon the Executive Office and upon the manner in which the duties of the Executive were performed in the Court of Pardons.

The testimony concerning the conversation with an Executive undoubtedly was offered in support of that opening. The Executive is not a party; he is beyond the jurisdiction of this Committee, and yet the jurisdiction of this Committee is a peculiar one. It is one in which the appeal is to the public sentiment, and the assault upon the memory of Governor Abbett in the opening surely justified a request that those witnesses who followed the suggestion of counsel by testimony might be cross-examined, in order that the public influence which goes from this chamber to the public might not be in the form of a one-sided libel upon the memory of a man who did more for the State of New Jersey than all the men who have occupied the Executive Chamber from the day of the adoption of the Constitution to this moment; a man who made its treasury rich, and a man who made this State what it is. I ask the

privilege of examining such witnesses as should give testimony in support of the suggestive opening of counsel. I am aware that I must submit my question to the counsel, and I am perfectly willing to do that. I don't ask the counsel to show the slightest favor in putting or refusing to put the question, and I only ask that I may be allowed to ask questions on points that did reflect upon that memory.

Mr. Corbin—Counsel has assumed altogether too much as to what the opening meant, and altogether too much as to what the evidence is going to be. If political harangues are to be offered here before this Committee I don't see how we are going to get along.

Senator Skirm—I think they will not be tolerated very long.

Senator Daly—I don't understand that this Committee is to sit to make political capital, either.

Mr. Corbin—No, sir; I propose to offer facts. I don't propose to characterize them, and I don't propose to open them any further than I have, but I did make a statement which counsel has lost sight of, that the material facts which I will produce are capable of refutation by people who are still alive.

Chairman Voorhees—The Judge can readily see how embarrassed the Committee will be if every one whose name is mentioned feels it necessary to be represented by counsel and submit evidence and cross-examination, and as long as he has expressed his willingness to put his questions through the counsel of the Committee, I think we can get along very amicably without any further trouble.

Mr. Corbin—Why, this whole thing is in the nature of a cross-examination; there is scarcely a willing witness here.

Chairman Voorhees—There is no desire on your part to reflect on the memory of the living or the dead.

Mr. Corbin—The statement that a libel is intended here is one that the Committee cannot let pass without resenting, and certainly counsel will not. This investigation shall be conducted honestly, and I shall attempt to conduct it fairly as far as I have anything to do with it. What facts mean and how to characterize them, is a matter that is not within my duty at this time, but I cannot flinch from presenting them, nor shall I.

EDWARD D. FOX, recalled.

Examined by MR. CORBIN.

Q. When the matter of Evangeline Hamilton's pardon came up in November, 1890, who appeared, if anybody, for the petitioner? A. To the best of my recollection, Mr. Heppenheimer was there once.

Q. Did he go before the court? A. I think not, sir.

Q. Was he there the day she was pardoned? A. I think it was the day she was pardoned, to the best of my recollection.

Q. Did he produce any additional documents to those you have already shown us? A. None that I saw, sir.

Q. Who did he see? A. I think he saw the Governor and the members of the court.

Q. Before convening? A. I think he saw the Governor before convening; yes, sir.

Q. Was there any formal argument? A. Not that I know of, sir; it was in the other room.

Q. But I understand you to say that he didn't go before the court when in session? A. No, sir, he didn't go to the court at all.

Q. What else did he do? A. Well, I don't know anything that he done, or what he had to say to the Governor or the members of the court; I think he saw some of the individual members; I know that he saw the Governor.

Examined by SENATOR DALY.

Q. The manner of importuning the court in the case of pardon, how is that done? A. It is done by seeing the Governor and the individual members of the court.

Q. And speaking to them separately? A. Yes, sir.

Q. That is the only manner of conducting applications for pardon that you know of? A. That is generally the manner of doing it.

Q. That is done at every session of the Court of Pardons? A. Yes, sir.

Q. In fact, your humble servant has frequently done it.

CHARLES W. FULLER, sworn.

Examined by MR. CORBIN.

Q. Do you know Evangeline Hamilton? A. Yes, sir; I did.

Q. Were you her counsel at one time? A. Yes, sir.

Q. In New Jersey or New York? A. In New York only.

Q. Did you have anything to do with her criminal defense or the obtaining of the pardon? A. No, sir.

Q. There was a contest in New York relative to the estate of Robert Ray Hamilton, was there not? A. Yes, sir.

Q. Was it in that connection that you were her counsel? A. Yes, sir.

Q. Were you aware that Russ & Heppenheimer were retained in that matter? A. They never were in that matter, sir.

Q. Did you visit Mrs. Hamilton while she was in prison. A. Yes, sir.

Q. Did you know that she had made an application in the spring of 1890 for a pardon? A. Yes, sir.

Q. Did you know that it had been unsuccessful? A. I knew that it had not been acted upon, because she was still there.

Q. And you knew that it came up again in November, 1890, did you not? A. Yes, sir.

Q. Did you personally see any members of the Court of Pardons with reference to her case? A. Members of the Court of Pardons spoke to me about the case.

Q. Which members? A. Now, I would like very much if the Committee would excuse me from going into that. I don't want to be here in the first place, and in the second place it might be that what the members of the court said to me about the case was something that I ought not to say.

Q. If there is anything, of course, that touches your relation with a client, which, in your judgment, you should not divulge, of course, that is for you to say; you said that certain members of the Court of Pardons spoke to you about it? A. Now, let me explain to the Committee that position. Judge Hoffman had been retained as Mrs. Hamilton's counsel in all her matters. Judge Hoffman retained me to look after the New York end of the litigation. I was interested in obtaining the presence of Mrs. Hamilton in the latter part of November—in about the middle of November, I think—in New York City, at the time they offered this will for probate; so that what I said to the judges, or the judges said to me, was simply what would naturally happen under circumstances of that character. I needed her in New York for the furtherance of her interests, and I may have asked the judges questions about it, and they may have said some things to me about it. Now, then, the position is peculiar and delicate, and I would like very much to be excused from any reference to what those judges said to me.

Q. I appreciate the peculiarity of the circumstances and the delicacy of them, but I will ask you certain questions, Col. Fuller, and let the Committee say whether they shall be answered. What judges spoke to you about it? A. Must I answer?

Chairman Voorhees—Yes, I think you ought to do that.

Senator Skirm—It is a perfectly natural question to answer.

A. Judges Brown, Smith and Whitaker.

Q. Did you see them together, or separately? A. I saw two of them together, I think.

Q. Which two? A. I think I saw Judges Brown and Smith together, and I saw Judge Whitaker separately.

Q. When you saw Judges Brown and Smith, who spoke to you about it? A. I think they both said something about it.

Q. Well, just tell what it was and what they suggested? A. I don't think that is fair.

Q. (By Chairman Voorhees)—They certainly couldn't have said anything improper about it. A. No, but they might have said something that was unpleasant.

Q. (By Chairman Voorhees)—Unpleasant about it? A. Yes, to me, for instance, they made this statement, if I must answer; I assume I must answer; they made this statement, that if I wanted Mrs. Hamilton in the New York matter—there was a lot of newspaper talk at the time—she would have to get rid of Judge Hoffman and Col. Fuller as her counsel in the pardon matter. I informed them that Col. Fuller had not been her counsel in the pardon matter at all, and had nothing to do with it; that I simply wanted her in New York, and that I thought it was a case where the full measure of justice had been meted out in the term already served.

Q. Well, did they suggest any substitute for Hoffman and Fuller? A. I have the same request on that.

Q. I think you had better go on.

Chairman Voorhees—The Committee will rule against you.

A. They said if she wanted to get out of prison she must employ General Heppeneimer.

Q. You mentioned Judge Whitaker as one that spoke to you about it? A. Well, I am not so sure about Judge Whitaker; I know he spoke to me about it; the other conversation I remember; that I don't remember as distinctly.

Q. Do you remember whether it was to the same intent? A. My impression is it was, but I don't remember that as well as I remember the other.

Q. Did you mention any other than those three, Brown, Whitaker and Smith? A. No, sir.

Q. Did they tell you what was the difficulty or what was the trouble about her getting a pardon? A. Yes; but I beg to be excused from that.

Q. Did they express their own views—whether they were favorable to it? A. They said they thought she ought to be pardoned.

Q. Did they tell you what the difficulty was about getting a pardon? A. Well, I pass.

Mr. Corbin—Well, shall he pass?

Senator Ketcham—No.

Senator Skirm—It seems to me it is a very clear matter that these attorneys wanted this woman out of prison, and he says he was not her counsel in the matter; it is perfectly fair and legitimate for him to answer the questions; I see no reason why he should object to answering.

Witness—I ask to be excused from answering what was said; there was something said, but I ask to be excused from answering what was said; if the Committee think it reflects upon me they must think it; I ask to be excused.

Q. My question is, whether these judges who said they thought she ought to be pardoned stated to you what the difficulty was about obtaining a pardon? A. They did.

Q. What did they state? A. That I decline to answer, with all respect to the Committee.

Q. (By Chairman Voorhees)—On what grounds, Colonel? A. On the ground that it may tend to criminate or degrade me.

Q. Well, you hardly mean that? A. No, I don't mean that, but I have got to give some excuse that is legal in this matter, and I am willing to take that upon myself rather than answer the question.

Q. (By Senator Ketcham)—It seems to me you leave them in a worse position by not answering. A. Leave who?

Senator Ketcham—The parties to whom you refer.

Chairman Voorhees—I don't understand that you have any discretion in the matter except as it may be accorded to you by the Committee. You are to answer or refuse to answer.

A. I have no discretion. Well, I ask them to withdraw that answer, that it will tend to criminate or degrade me, because I was willing to take that if you would pass without going into that branch of the subject; but I think that this Committee can obtain all that they want by inference or by other witnesses, with-

out making me tell what those gentlemen said. Two of those gentlemen are alive—one of those that had the conversation, and if he chooses to tell it, I haven't the slightest objection, but I do hope the Committee will pass the question.

Mr. Corbin—Mr. Chairman, this is not pleasant business for anybody. This Committee has decided to put the probe into this subject. This is a scandal now, and it is just a question for the Committee to say how deep they will put it or how far they will go.

Chairman Voorhees—The Colonel will answer the question.

A. I think, with all deference to this Committee, and with all its powers, I ought to be excused from that. I am here at a good deal of trouble and bother, and I thought I ought not to be forced to disclose this. It isn't going to help this Committee any.

Chairman Voorhees—You haven't given us any reason why you shouldn't disclose it.

Witness—I have a reason.

Chairman Voorhees—The reason that you gave about incriminating you certainly ought to be taken in a Pickwickian sense.

Mr. Corbin—He withdrew that.

Witness—I gave that as an answer.

Chairman Voorhees—But I know that you sometimes speak in a Pickwickian sense.

Witness—But this is not one of those occasions.

Chairman Voorhees—I have conferred with the other members of the Committee, and they are unanimous in their request, and they ordered that the question shall be answered.

A. They said the Governor was the stumbling block.

Q. You took no part in the further efforts, then, to secure the pardon? A. No, I think not; I didn't think there was anything more to be done about it.

Q. (By Senator Skirm)—Any further than what?

Mr. Corbin—I don't know. Colonel Fuller has testified that he personally was not the counsel of the prisoner for this purpose; he was simply counsel in this New York litigation, but it seems, to the extent of the Judges speaking to him, that he did have a hand in it.

Witness—It may be that I spoke to the Judges first about it.

Q. No; I understand you to say they spoke to you about it?

A. I was very anxious that the woman should be out.

Q. Were you here when she was pardoned? A. Yes, sir.

Q. Do you know of any business whatsoever in which Russ & Heppenheimer were retained as her attorneys and counsel except the matter of obtaining this pardon? A. No, sir; nothing that I know of; nothing at all.

Q. At the time she was pardoned were you still her counsel? A. I was her counsel and attorney in the New York matters.

Q. And did you continue to be her counsel after? A. Until the matter was settled and the money was paid to her.

Q. How long was that after her release? A. That was last June.

Q. Her affairs were in your hands then up to last June? A. Absolutely.

Q. Were either Mr. Heppenheimer or Mr. Russ called in at any stage of that to assist in her affairs? A. No, sir.

Did you ever hear of their being retained for her before today? A. No, sir; except in this matter.

Q. Did you ever hear Mr. Russ's name mentioned in connection with it before, or only Mr. Heppenheimer's? A. I never heard any mention of Mr. Russ in connection with it.

Q. (By Mr. McDermott)—Were those three Judges in favor of pardoning Mrs. Hamilton? A. I so understood.

WILLIAM C. HEPPENHEIMER, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. I reside in Jersey City.

Q. What is your age? A. I am thirty-six.

Q. You are a lawyer by profession? A. I am.

Q. Where did you read law? A. I read law in the Columbia College Law School and Harvard Law School, and in Governor Abbett's office in New York City.

Q. You were a member of the Assembly for three terms? A. Member of the Assembly for four years.

Q. And you were Comptroller during what years? A. I was Comptroller in the years 1891, 1892 and 1893, from March 14th, 1891, to April 1st, 1894.

Q. You practice your profession in New Jersey and New York? A. I do.

Q. Where is your office in New York? A. My office in New York is 229 Broadway.

Q. And where in New Jersey? A. In the city of Hoboken.

Q. Did you act as Mrs. Hamilton's counsel in obtaining her pardon? A. I did.

Q. Had you ever before acted as counsel for anybody in obtaining a pardon? A. Yes, sir; several cases.

Q. For whom? A. I can't recall their names now; all small cases; but I remember that I acted as counsel in a number of cases.

Q. Were you successful? A. In some cases I was and in some cases I wasn't.

Q. Have you since that case acted as counsel for prisoners? A. I have.

Q. Before the Court of Pardons? A. I have.

Q. How often? A. I think twice.

Q. When was that? A. I can't recall either case just now, but I have acted in two cases since then.

Q. Was it soon after, or recently? A. One was about within eight or nine months, and the other was perhaps soon after the case of Mrs. Hamilton.

Q. Do you recall what cases they were? A. I can't recall them now; no, sir.

Q. Had you previous to that time been Mrs. Hamilton's counsel in any matter? A. Will you allow me to state exactly my connection in the matter?

Q. Yes; but I think first it would be, perhaps, better to answer my questions? A. I would like to state my case.

Q. I will give you full opportunity to do it, but I first desire to ask you certain plain, simple questions; had you previously been Mrs. Hamilton's counsel in any matter? A. Previous to my application for her pardon?

Q. Yes? A. I was her counsel both in the New York matter and in the New Jersey matter, and I was the counsel at the same time, both matters being practically at the same time.

Q. Previous to this retaining which Mr. Patterson has spoken of, had you ever acted as her counsel? A. No, sir.

Q. Had you ever met her? A. No, sir.

Q. Of these different persons for whom you acted as counsel in securing pardons, had you ever been counsel for any of them in any other matter? A. Not that I know of.

Q. Before Mr. Patterson came to New York to retain you, did you know that you were to be retained? A. I did.

Q. From whom? A. From Col. Fuller.

Q. How had he communicated with you? A. Col. Fuller called at my office, I think, in New York one day—do you want me to tell the whole story now?

Q. You shall have an opportunity to tell all you want to tell.

A. Well, Col. Fuller came to me; I think it was in my New York office.

Q. Not just at this time. Just respond to the questions, and then you shall have a chance to say all that you desire to say—and communicated the fact to you that you were desired to be retained as counsel in this pardon matter? A. He told me he wanted me to assist him both in the trial of the case in the State of New York and also in this pardon matter.

Q. How long before you received the retainer was that? A. I should judge about three weeks before, to the best of my recollection at this time.

Q. Were you aware that Governor Abbett had recommended you as counsel in the pardon matter? A. I knew nothing about it.

Q. When did you first learn? A. I didn't know a word about it until to-day.

Q. Do you know how Mrs. Hamilton in prison became aware, or at least how she was informed that it was to her interest to retain you in the pardon matter? A. I do not.

Q. Did you expect Mr. Patterson when he came? A. I did; Col. Fuller told me that he would come to pay me the retainer that we had agreed upon—that I was to receive.

Q. When was that he told you? A. The conversation that he had with me previous to the day that Sheriff Patterson came over with the check; I had had quite a number of interviews with him prior to that time.

Q. Do you know who recommended to Mrs. Hamilton that you be retained? A. I do not; Col. Fuller told me why I was retained in the New York matter.

Q. Who first suggested to you the idea that you be retained? A. Col. Fuller.

Q. When was that? A. Shortly before I was retained.

Q. And where? A. I think in the city of New York.

Q. How did you come to secure this class of cases from prisoners other than your clients? A. Well, they are cases that come in through connections with other clients into the office, and I usually attend to them.

Q. Do you know whether it was through the recommendation of anybody? A. Not that I know of; how does any case come to a lawyer?

Q. Who conveyed to Mrs. Hamilton the information that a thousand dollars would be required? A. I don't know.

Q. Did you name that sum? A. I did.

Q. And to whom did you name it? A. Col. Fuller.

Q. Did you speak to the Governor about the case? A. I did.

Q. When? A. After the interview with Col. Fuller; after he told me that I would be retained; I interviewed all the members of the Court of Pardons.

Q. And that was before the retainer was received? A. Yes, sir; before and after.

Q. Did you retain any other counsel to help you in the matter? A. No, sir.

Q. Did you employ any person to help you in it? A. No, sir.

Q. And you obtained assistance from no one, I suppose? A. Not that I know of.

Q. Did you incur any expense in obtaining the pardon? A. Not in obtaining the pardon; no, sir.

Q. Did you obtain any further petitions or papers to be laid before the court? A. It wasn't necessary; all the petitions were there.

Q. They had been there since the spring term? A. I believe so.

Q. Did you visit your client in person before the pardon? A. I did not.

Q. Did you communicate with her? A. I did not; I didn't see her until the day she was pardoned.

Q. What then did you do in those twelve days between the 13th and the 25th to earn the thousand dollars? A. Well, I conferred with Col. Fuller.

Q. With regard to the New York case and the policy to be pursued in the trial of that case? A. We both agreed that it would be necessary to file notice of contest in the Surrogate's Court, in the city of New York.

Q. That didn't touch the question of pardon? A. It did touch the question of pardon, because we wanted to have something to work on the Court of Pardons with; they refused it before, and we did have some material to work on before the Court of Pardons.

Q. You thought she would be required as a witness there? A. Yes, sir; justice required that she should be allowed to contest her husband's will.

Q. You brought no affidavits or records from New York? A. No, sir.

Q. You say you saw the members of the court; where? A. I saw the members of the court here in Trenton.

Q. Did you draw up any papers with reference to the pardon? A. No, sir.

Q. Did you make any argument? A. None, except the argument that I made to the individual members of the court.

Q. Did you draw up any brief? A. No, sir.

Q. Was it on the day the pardon was granted that you saw these members here? A. I saw them here that day, and before.

Q. Were they in session here before? A. I don't know whether they were in session before that or not, but I remember seeing them here before that, some of them.

Q. You say that you were consulted with reference to the New York litigation: did you follow it at all after the date of the pardon? A. I did.

Q. When and where? A. I had a number of interviews with Col. Fuller with regard to the New York case; I had a number of interviews with Mr. Elihu B. Root, the counsel of the Hamilton estate, in New York City, and I think with his partner, Mr. Kuntzman, in regard to a settlement of the case.

Q. Did you appear in court? A. I did not; I dropped out of the case before the case appeared in court, on account of a difference of opinion between Col. Fuller and myself as to the policy that was to be pursued in the trial of the case; I didn't believe he was trying the case as it ought to be tried.

Q. How soon after the pardon was it that you dropped out of the case? A. I think about a month and a half or two months after; I don't recollect.

Q. Did you ever have any other interviews with your client after the date of the pardon? A. Yes, sir; I did.

Q. Where? A. At Col. Fuller's office, in the city of Jersey City.

Q. What occasion was that? A. One day when he and I had Mrs. Hamilton there; we talked over the case together.

Q. Was this thousand dollars all for your own use? A. Yes, sir; every dollar of it.

Q. Did you retain it all? A. Every dollar.

Q. You had never met your client previous to the time you took the pardon to her in person, had you? A. I so told you.

Q. Was there any opposition to the release of your client? A. There was.

Q. But she was pardoned the first day the court met after you received the retainer, wasn't she? A. She was.

Q. And the court was in session about five minutes, was it not? A. I don't remember how long the court was in session; I think the court was in session a good deal longer than that.

Q. Wasn't the Court of Errors and Appeals in session that day? A. Yes, sir.

Q. And at recess they took up this matter, did they not? A. I believe that was the case.

Q. And this matter alone? A. That I can't say.

Q. (By Senator Ketcham)—Did they grant the pardon that day that you were with them? A. Yes, sir; they did.

Q. (By Senator Ketcham)—Did you carry the pardon to the prison? A. I did take it there, with Col. Fuller.

Q. You can make any statement now you see fit to make. You asked to make some. A. I don't know that I have anything further to say; I think that I have gone all over it; except to say that I was not Comptroller of the State at the time that I was retained in this matter; I held no political office whatever; I was practicing law.

Senator Daly—And are willing to receive retainers most any time?

Witness—I am not practicing law for my health. I think that is about all I have to say.

Mr. Corbin—I wish to draw the attention of the Committee to the act passed in 1891, which will be found on page 426 of the Laws of that year, entitled "Further Supplement relative to the Court of Pardons," and which, in brief, provided that the Court of Pardons may license any person in any penal institution to be at large, upon such conditions as the Court shall deem proper, which condition shall be endorsed upon or annexed to the license, and upon the breach of which the convict shall be returned to the prison to serve out the remainder of the term; the license to be signed by the Governor, or person administering the government, and by the clerk, and the license may, under certain conditions, be revoked. It is known as the Parole Act.

JOHN H. PATTERSON, recalled.

Examined by MR. CORBIN.

Q. Have you the record here of the persons who were convicted of conspiracy, commonly known as the ballot-box stuffers, from Hudson county, who were in your custody for awhile? A. Yes, sir.

Q. Do you remember how many of them there were altogether? A. No, sir; I do not.

Q. When were those prisoners received into the State Prison. You remember these prisoners being received in the summer and fall of 1891, do you not? A. Yes, sir.

Q. Do you remember their discharge? A. I remember their being discharged.

Q. They were all discharged on one day, were they not? A. Well, now, I don't remember whether they were all discharged.

Q. Don't you recollect it was December 23, just before Christmas? A. Yes, I think they were, but I am not positive.

Q. Under this parole law a pretty large number of prisoners have been discharged from your prison, have they not? A. There has been 176, I think; that book will show; during the operation of the parole, since it went into operation.

Q. And nearly all of those were during the first year or two, were they not? A. The first year that law went into operation?

Q. Yes? A. Well, I think most of them where during the first and second year; it has averaged about 35 a year since the law went into effect.

Q. I see that up to December, 1892, the time when these prisoners were discharged, the number in the parole book had reached as high as 158, and it is now a little over 200—209. Have any of these prisoners ever been returned to you for violation of parole? A. There has been seven returned.

Q. For conviction of a new crime or violation of the parole? A. There has been two, I think, for a conviction of a new crime and seven for violation of the parole.

Q. Is it that or just the reverse? A. I think that is the way of it.

Q. What is the clause of the parole that has been violated? A. The clause of the parole that has been violated—well, I don't understand your question.

Q. There are several conditions annexed to the parole. If any of them are violated the prisoner may be returned? A. Yes, sir.

Q. Do you know what the condition is that is violated? A. No, I don't know, sir; because we have no record of them after they leave us.

Q. After they leave the State Prison you lose sight of them? A. Yes, sir; we have nothing to do with them.

Q. They are not, under this parole law, compelled to report or account to you any further? A. No, sir.

Q. But to the Governor? A. The Governor.

Q. So that the prison authorities lose sight of these parole prisoners entirely when they leave them? A. Yes, sir.

Q. As an experienced prison-keeper, do you think that is proper management of prisoners, to leave you without any over-

sight over these 200 prisoners? *A.* I think the law that was originally adopted in this State was the proper law.

Q. I am speaking to you about the wisdom of this prison law? *A.* I think the prison authorities should be the proper authorities to keep the record of the paroled men.

Q. As it now is there is no duty upon anybody to keep any account of them except the Governor? *A.* They report to the Governor of the State every three months.

Q. But after they once pass your doors they are as much out of your jurisdiction as if they never had been there, so far as any attention to them by you is concerned? *A.* Yes, sir.

Q. I have here the book of records of paroles. The paroles commenced on April 21st, 1891; Patrick Carroll, for murder; James Trainor, for murder; Marion, for breaking and entering; Stinson, for grand larceny; another for breaking and entering; and another for forgery, and so on. Will you kindly suggest to the Committee what you think would be a proper regulation of that subject of paroles? What hold ought you to have on a prisoner after he is once paroled? *A.* I think that there ought to be a separate Board; I think the Board to parole ought to be constituted of the authorities of the prison; I think the prison authorities should be the Board of Parole. There is such a law in the State of Ohio, and I think in the State of Massachusetts, and then the prisoners are paroled, and they have a working system in those prisons, and when a man gets into the first court he is paroled.

Q. Well, there might be some constitutional difficulty about that, as the pardoning power is a court, but you think the matter should be under the sanction also of the prison authorities? *A.* I think the prison authorities are the best judges of that; I think they would be the best judges of men who were fit to parole.

Q. And what conditions would you put upon a man who is at large? *A.* I would make him report to the prison every month at least.

Q. You don't mean in person? *A.* No; by letter; and, of course, then the record could be kept by the prison authorities, and they would know his whereabouts.

Q. You would enforce that system of reporting, would you, monthly? *A.* Yes, sir.

Q. And retake a prisoner unless he did so? *A.* Yes, sir.

Q. And you think a proper supervision could be kept and a proper oversight kept of these prisoners if you had the authority to do it, do you? *A.* I do.

Q. At present you have none, as I understand it? A. No, sir; I think that first law that was passed was a very good law; it was copied almost *verbatim* from the Ohio law.

Q. That was the one of 1889 which was never operated under? A. No, sir.

Q. Some constitutional difficulties, weren't there? A. Yes, sir.

Mr. Corbin—I may say right here, so far as I can see, and from Mr. Patterson's statement, that it is nothing more nor less than a general jail delivery, the letting out of these prisoners. Nobody has an oversight over them, except they are under duty to write a letter every three months to the Governor.

Witness—I will say this: that the law has operated very favorably to the New Jersey State prison, because we were overcrowded there.

Q. It enables you to turn out the prisoners and let in more? A. I don't see how we could have taken more of them, because we had last fall nearly eleven hundred prisoners; if there hadn't been anybody paroled we would have had more prisoners than we could have stored away.

Q. In other words, you haven't room for the prisoners that are sent to you? A. No, sir.

Q. (By Senator Skirm)—That wasn't the reason, because of the insufficiency of room, that 150 were thrown out on the world in the first two years? A. But it does seem to me that when there has only been seven returned—I don't know where they are—they may be in other States, some of them in other prisons, but, as far as we are concerned, it has been a very good showing when only seven paroled men have come back.

Q. (By Senator Skirm)—But as to the rest of them, you don't know anything about them? A. We don't know anything about them; no, sir.

Q. (By Senator Seirm)—They haven't had the benefit of prison supervision since they left you, have they? A. No; I don't know; we haven't been supervising them.

Q. (By Senator Skirm)—Some other person may have done it? A. Yes, sir.

Mr. Corbin—I offer in evidence the book of paroles. I will read a parole, so that it may be understood:

“Know All Men by These Presents: That the Court of Pardons of the State of New Jersey hereby grants to W. J. Brotherton, convicted of the crime of larceny from the person, at the Burlington County Court of

Oyer and Terminer of the term of ———, etc., now confined in the State Prison at Trenton, this license to be at large, upon the security, terms, conditions and limitations annexed hereto."

Now, the conditions annexed to these paroles are as follows :

" I. The said convict shall continue to be legally in custody after the granting of this license, and shall be liable to be taken and returned to the place of punishment to which he or she was originally sentenced, as provided for in an act entitled, "A further supplement to an act entitled, 'An act relative to the Court of Pardons,' approved January 18, 1853," which said further supplement was approved April 16, 1891.

" II. This license to be at large, is issued subject to all the terms and conditions of said Act of April 16, 1891 (Chapter 231 of the Laws of 1891).

" III. That the party paroled shall every three months, during the period of his parole, send to the Governor of the State a letter stating what business or employment he is then engaged in, the name of his employer and his place of residence, which letter shall be treated as private unless necessary to be used for public purposes.

" IV. If at any time the party paroled shall be arrested on any criminal process, he shall immediately communicate the fact to the Governor of the State, and give the details thereof.

" V. The prisoner paroled shall conduct himself or herself honestly, avoid evil associations, and obey the law."

EDWARD D. FOX, recalled.

Examined by MR. CORBIN.

Q. Do you remember the presentation of application for the pardon of the conspirators known as the ballot-box stuffers, and who were confined in Trenton, and also confined in Snake Hill, in Hudson county? A. I do, sir.

Q. Have you the applications here? A. Yes, sir.

Q. Are these the applications? A. Those are the applications for those paroles that were in prison.

Q. Aren't these all the applications presented, or only the successful ones? A. Only the successful ones.

Q. Were they all presented the same day? A. Yes, sir.

Q. There are 32 of these; there were 32 in the State Prison, were there not? A. Yes, sir.

Q. And how many in Snake Hill? A. I think 12 or 15.

Q. Then there were 44 petitions presented the same day for the pardon of these conspirators? A. Yes, sir.

Q. Who presented them? A. Mr. McDermott.

Q. Are these all the papers there are connected with them? A. Yes, sir; that is all.

Mr. Corbin—I call the attention of the Committee to these papers. In the case of John A. Whalen, who was pardoned, there are several petitions, signed numerously. In the case of Patrick McGrath there are some petitions, and so in the case of John P. Murray; but with those exceptions, and possibly one or two more, there are no petitions for pardon here. There is in each case a memorandum, in some cases in the form of a letter, but more frequently in a memorandum, apparently written by the convict, like this, for example. I will take the one of Oscar L. Freiberg:

“Gentlemen—I was born in St. Louis, Mo., in 1854. I went to the public schools, and finished my education at Franklin College, located at Franklin, Mo., in 1874. I remain, fraternally yours, Oscar L. Freiberg.”

That is the entire record of that application for pardon.

Now, I offer in evidence also the minutes of the Court of Pardons which were produced here, December 20th, 1892, by which it will appear that the Court met on that day and adjourned to December 23d, three days after.

Q. Did anybody else appear for any of these forty-four prisoners? A. No, sir; I don't recollect anyone else.

ALEXANDER H. RICKEY, recalled.

Examined by MR. CORBIN.

Q. Turn to your minutes of December 20th, 1892; is there any record on that day of the application of these conspirators for parole or pardon? A. No, sir.

Q. Turn to December 23d; have you that record? A. Yes, sir.

Q. Well, now, leaving that for a moment, show us your record of paroles of these men; begin with page 107, Thomas Fallon; is that where the record begins? A. That is where the record begins?

Q. Now, I find that these paroles are dated, what day? A. December 23d, 1892.

Q. They all bear that date, do they not? A. Bear that date.

Q. The one immediately before these is dated what? A. December 20th, 1892.

Q. Turn on, past all the ballot-stuffers, to the next one after them all; what is the date of that? A. December 20th.

Q. Now, I observe here that the entire 44—that a parole is issued in this book to those in Snake Hill as well as those in the prison here, and across the last twelve there is written “not issued,” although the signature of the Secretary of State and Governor appear at the bottom. How did that happen? A. I think, on the meeting of the 23d of December, or the 20th of December; I think, the 23d, Mr. McDermott took a recess—the court did, to hear Mr. McDermott.

Q. What do you mean by taking a recess; did they leave the room? A. No; I left the room.

Q. Taking a recess means you left the room? A. I left the room; the court made a motion to take a recess to hear Mr. McDermott.

Q. Did he go in when you went out? A. He was in there when I was in there; when he commenced to talk, I left, and went to the office.

Q. Did you go back after he was through? A. After he was through they sent for me.

Q. And then you went in, did you? A. Yes, sir.

Q. Did the court then reconvene? A. The court reconvened.

Q. And then they paroled these men? A. Then they paroled these men.

Q. And pardoned one? A. And pardoned one.

Q. Refer to the record in your minutes and read it? A. “Court of Pardons, November term, Friday, December 23d, 1892. The Court of Pardons met in the Executive Chamber, pursuant to adjournment. Present: Governor Abbett, Chancellor McGill, Judge Bogert, Judge Brown, Judge Clement, Judge McGregor, Judge Smith, Judge Whitaker. The following cases were duly considered and disposed of as stated: John E. Whalen, pardoned; James Costigan, paroled. The following cases were paroled by the following vote in each case: Affirmative—Governor Abbett, Judge Bogert, Judge Brown, Judge McGregor, Judge Smith, Judge Whitaker. Chancellor McGill and Judge Clement voted no.” Then follows a list: “Michael Hughes, 15 months; James Fallon, 18 months; Peter Cassidy, 18 months,” and so on through the 32. “The following cases were dismissed, the prisoners being confined in the Hudson County Penitentiary: John T. Walch, Michael Fallon,” and the rest.

Q. Now, how did it happen that they dismissed the cases of all the twelve in the Hudson County Penitentiary, notwithstanding the paroles were actually made out and the Governor's name and secretary's name recorded here at the foot? A. To the best of my recollection, I think I was sent for by the Governor, and he said he would like to have them all made out and have them ready, in anticipation of a meeting of the Court of Pardons.

Q. What day was that? A. I think that was either the 20th or the 23d; I couldn't tell you which day; I don't recollect which.

Q. And you gave orders to have it done? A. I gave orders to have it done, to the chief clerk in the office, Mr. George P. LaBarre.

Q. So that these paroles were all made out before the Court of Pardons convened on the 23d of December? A. That is my impression.

Q. For the 44 men? A. For the 44 men.

Q. Well, when the court met they dismissed the application as to twelve of them, as you have shown by the book? A. Yes, sir.

Q. And then this record of twelve paroles was canceled? A. Yes, sir; marked there, "Not issued."

Q. And the other 32 were issued? A. Were issued; yes, sir; the paroles were made out, but not signed by the Governor; they were only prepared.

Q. Do you know of any other cases in the years that you have been clerk where the Court of Pardons has taken a recess and sent you out and admitted counsel there in that way to be heard?

A. They didn't send me out; I went out.

Q. You retired? A. Yes, sir.

Q. Did that ever happen before or since? A. I don't think I ever went out.

Q. (By Senator Skirm)—Why did you then? A. That I can't say, unless I was asked to by Governor Abbett to leave the room.

Q. Did they ever admit counsel under circumstances like that before or since? A. I think they heard counsel once in a murder case, and I think once in Jersey City in a murder case.

Q. But with the exception of those two murder cases, and this case, did you ever know that to be allowed? A. I can't tell; I think there were one or two cases in the Executive chamber.

Q. Who was allowed in in that manner? A. I can't say that.

Q. Anybody other than Mr. McDermott? I have no recollection; no.

GEORGE B. LA BARRE, sworn.

Examined by MR. CORBIN.

Q. Were you the chief clerk in the office of the Secretary of State in December, 1892? A. I was.

Q. Do you remember receiving instructions with reference to these forty-four paroles? A. Yes, sir.

Q. Who gave them to you? A. Mr. Rickey, the Assistant Secretary of State.

Q. And what were your instructions? A. My instructions were to proceed and have the certificates of parole made out in anticipation of the action of the Court of Pardons on the 23d of December.

Q. What day was it that you were given those instructions? A. If I remember right it was on the 20th of December.

Q. These are what you call the certificates of parole, are they not? A. Yes, sir.

Q. In this book which I have shown you is a *verbatim* copy of the same? A. Yes, sir.

Q. And you made out the certificates of parole and recorded them in this book? A. Yes, sir.

Q. When did you learn that some of these were not to be issued? A. Not until after the meeting of the Court of Pardons on the 23d.

Q. And then you canceled twelve of them? A. Yes, sir.

Q. So that you actually made out forty-four certificates and recorded them in your book, with the signatures of the Governor and the Secretary of State at the bottom, before the Court of Pardons acted upon the subject, did you? A. With copies of the signatures of the Secretary of State.

Q. The originals had not been signed? A. The originals had not been signed until after the meeting of the Court of Pardons, and certificates were not given out until they had been compared with the minutes.

Q. I see in this book, after these canceled paroles, there are other paroles recorded, which are dated December 20th; those, then, which had actually been granted on December 20th were laid over to await entering these, were they not? A. It may have been.

Q. Must it not have been so? A. Not necessarily; no, sir.

Q. How is it that paroles here appear to be recorded afterwards which were dated before? A. It happened in there, I think, several times; we would not issue the certificate of parole until we had the certificate of the keeper of the State Prison and a letter of employment; and in some cases the Court of Pardons

paroled prisoners without these certificates being signed, and they would come in probably a week afterwards.

Q. Well, I see there are four or five of the 20th of December?

A. It is quite possible; that was the reason.

By Mr. Corbin—Before closing this, I desire to make a comment myself on this evidence. It does seem to me that that proceeding, with all due respect, was a most extraordinary one. The most striking and startling political crime in the history of this State was that ballot-box conspiracy, and after investigation lasting four months, by this Senate, at great cost and infinite pains and labor; after two years of litigation in the courts of Hudson county and in the higher courts of the State, fifty-eight men out of sixty-eight indicted ones were, as I have said, with enormous difficulty, convicted of this crime and sentenced to prison for terms of from nine to eighteen months. Practically every man who was put on trial was convicted; and, after this long litigation, this effort by the Legislature, and all the other pains that were taken, a stamp was put upon that crime by sending these men to prison to meet their just deserts; and before they had been in prison, some of them two months and others four or five months, the Court of Pardons, without any petition of citizens, or anything before them from the prosecutor, or anything from counsel of either side, without anybody's asking for their pardon, with the exception of two or three cases, where there were special reasons, made a general jail delivery of those conspirators, and evidently intended to make a clean sweep and deliver those also who were in the Hudson County Penitentiary; but at the last moment, why they did not go the whole figure I do not know, but they left those twelve who had shorter terms in the penitentiary, and delivered in in one day thirty-two prisoners from the State Prison. I say that thing is entirely unparalleled in the history of the State, and is such a discouragement to the efforts towards good government and honest elections as has never been seen before. It is a thing which demands explanation by every man who had to do with it. There is nothing to be compared to it in the history of the State or its jurisprudence; they are without reference to relative merits, and there was a difference between them; that they

should by one sweep be thrust out of prison almost as soon as they were thrust in, there were cogent reasons for it we may well believe. I say that it is such a matter as should set the Senate and the Legislature to thinking how they are in future, by statutory amendment, to constitute their Court of Pardons.

Chairman Voorhees—It is but fair to some of the members of that Court, Chancellor McGill and Judge Clement, to say that they are recorded as voting against it.

Mr. Corbin—They voted no on that. Nobody voted against the pardon of Whalen. There were special reasons why Whalen should be pardoned; but with thirty of those paroles Chancellor McGill and Judge Clement did vote no, and it is recorded there to their honor.

Adjourned to Thursday, May 2, 1895.

TRENTON, May 2d, 1895, 10 A. M.

Proceedings resumed.

Mr. Corbin—Mr. Chairman, and gentlemen of the Committee. I desire to present some evidence touching the office of the Secretary of State, and certain revenues of the State which are derived from corporations and other sources through that office, with a possible view to the recommendation by the Committee of legislation for future regulation of the matter.

It is obvious that the matter of these revenues, which have grown to a very large sum, has not been sufficiently regulated by existing laws. To understand the matter fully, it will be necessary for me to read you several statutes that have been passed at different times, and which apparently refer to different subjects; but if the Committee will follow them carefully as I read them and explain their bearing, I think the testimony that follows will be understood, and the whole subject may be very briefly compassed and presented.

The Secretary of State, previous to 1879, received as his compensation fees for various duties which he performed as Secretary of State, for the filing of papers, issuing of commissions and other duties, and also fees as Clerk of the Prerogative Court and Register of the Prerogative office, Clerk of the Court of Errors and Appeals, Clerk of the Court of Pardons, Insurance Commissioner, and possibly other duties were by law laid upon him,

and his compensation was entirely made up of fees. In the year 1879 a bill was passed to place the office thereafter upon the basis of a salary. This bill really did not take effect, and was not put into effect with respect to the incumbent of the office until 1881, as he was in the midst of a term which did not close until April, 1881, and it appears to have been assumed that under the Constitution the fees or emoluments could not be changed during the term, and therefore the Secretary of State continued under the old arrangement until April, 1881, when the salary arrangement went into force. I don't know under what provision of the Constitution that construction was had, unless it be the amendment passed in 1875, which says that no special, private or local laws shall be passed increasing, decreasing or changing the emoluments of an office during the term, and I suppose that some one construed the law to mean that the act referring to the Secretary of State, and certain other officers, was a special law. I suppose it was under that Constitutional amendment.

It seems to me to be a general law; but at all events that was the construction given to it.

Chairman Voorhees—Do you know whether the law officer of the State has given any construction of that?

Mr. Corbin—Did the Attorney-General ever act upon that?

Mr. Kelsey—I think not.

Mr. Corbin—I know of no opinion on file; but at all events the construction was so, and the new arrangement went into effect in April, 1891.

Mr. Kelsey—I think the act you referred to expressly provided that it should not apply to any officer then serving an unexpired term—the last clause of the act.

Mr. Corbin—That is correct. The last clause of the act of 1879 refers to the subject. I will take it up as I read on.

Taking up this legislation, now in its order, the first act is the act of March 10th, 1879, *P. L. page 103 (Sup. Rev., 892)*. The first section provides that the Secretary of State shall receive an annual salary of \$6,000, together with an allowance of \$4,000 per annum for clerical assistance, to be paid by the Treasurer, which said salary shall be full compensation for all services rendered by the said Secretary of State as such, and as Clerk of the Court of Errors, Clerk of the Prerogative Court, Register in the Prerogative office, Clerk of the Court of Pardons and Commissioner of Insurance, or in any other official capacity whatever, and for all clerk hire, save and except of the Assistant Secretary of State, who shall continue to receive the salary now provided by law for his services (he received in the salary roll of the State, \$3,000 per

annum), and all fees now payable by law to him as Secretary of State, Clerk of the Court of Errors, Clerk of the Prerogative Court, Register in the Prerogative office, Clerk of the Court of Pardons or Commissioner of Insurance, or in any other official capacity whatever, shall be collected by him, and a statement by him in detail, verified by oath, shall be submitted quarterly to the Comptroller, and when audited by him, filed with the State Treasurer; and the said Secretary of State shall within ten days thereafter pay over the amount of such fees to the State Treasurer under the penalty of \$500 for each day's neglect to file such certificate and to pay over such moneys to be recovered in the name of the Treasurer of the State for the use of the State.

The second section of the act provided that that act should be a public act, and take effect immediately, excepting that so far as the same increases or reduces the percentage or allowance of any public officer then in office during the term for which such officer was elected or appointed, it should take effect only upon and after the end of the term. That, of course, with regard to the Secretary of State, postponed that act until April 6, 1881.

Now, you observe, that two years were yet to elapse after the passage of this act of 1879 before it affected the Secretary of State's office. So the Legislature, which at this time was dealing with the whole subject of the fees of Clerk's of the different courts here in Trenton, passed another act four days later, March 14, 1879, Pamphlet Laws, page 338 (*Sup. Rev.*, page 299). This act refers to the Clerk of the Supreme Court, Clerk in Chancery, and the Secretary of State. Referring to the sections as given in the supplement to the Revision, section 18 provides as follows—and this act, you will observe, refers to the fees which clerk's receive *for their own use*. The one which I read a few minutes ago refers entirely by its terms to fees to be received *for the use of the State*, and provides that they shall be returned in detail and paid in within ten days after the end of the quarter, under penalties prescribed there. That act which I read refers exclusively to fees collected *for the use of the State*, and took effect, as stated, not until 1881. This act which accompanied the other, and was passed March 14, 1879, refers to fees received by the Clerk's *for their own use*. This distinction is quite important. It provides first for the Clerk in Chancery and the Clerk of the Supreme Court, whose fees have been somewhat reduced, but who are still left their compensation by fees; they were not put upon salaries.

Next, it takes up the office of the Secretary of State, and what I am about to read to you refers to the fees which he still for

two years, from 1879 to 1881, would collect for his own use. Bearing that distinction in mind, you will understand the act.

“The Secretary of State shall keep a true record of all the fees and compensation received or taken by him for his own use as Secretary of State, Clerk of the Court of Errors and Appeals, Clerk of the Prerogative Court and Register in the Prerogative Office, Clerk of the Court of Pardons and Commissioner of Insurance, or in any other official capacity, and from all sources, under the provisions of any law of this State, and shall make his statement, account and report under oath to the Comptroller of this State on the first day of July next, and quarterly thereafter, of all such fees and compensation, showing separately and distinctly the gross amount of each class and particular kind of fees and compensation, under the proper headings, received by him in the capacities above mentioned, or in any other official capacity during the next preceding quarter.” Similar provisions were made for the Clerks of the Supreme Court and Chancery.

Observe that this act required the Secretary of State to return quarterly *the gross amount* of each class of fees which he should during those two years receive to his own use.

The other act, which I read to you, of March 10th, 1879, which referred solely to fees for the use of the State, required that they should be returned *in detail*. The next section of the act of March 14th, 1879, makes the same provision for the clerks and sheriffs.

The 20th Section provides that all such reports and statements filed shall be public records in the Comptroller's office, and shall be included by him in his annual report; and then follows Section 21 with regard to the penalty for disobedience, which says, that whenever any person is required to make an account of fees received by him to his own use, in detail or in gross, shall fail therein he shall suffer a penalty of one hundred dollars.

As I have said, this whole subject was dealt with in this year 1879, and so far as the Secretary of State's office was concerned, a new and very wide departure was made from the former practices. All clerks were compelled to make returns of these fees which they had, so that the State might know what they were getting. That is the evident purpose of that; so that it might be known whether they were paid under or over, and probably whether the Legislature should continue the fee system, or whether the clerks should be put upon salaries. That was a mooted question at that time.

With regard to the Secretary of State, it was then decided to make the departure, and that office was then put upon a salary

basis. In providing for the returns by these other officers who still retained their fees, it was remembered that the Secretary of State had yet two years to serve wherein he would retain his own fees, and so it was provided in the same act that he should make his quarterly report of his own fees, so that the State could see what he was getting during those two years in the way of fees.

In 1881, so far as his office was concerned, the whole thing was changed, and all the fees that came into his office became revenues of the State, and were to be returned in detail, not in gross, and you observe the reason; the only object of his returning fees which he kept himself was to see how well the office was paid, and that is the rule that now applies to the Clerk in Chancery and the Supreme Court. They state in gross every quarter how much they have received. But after 1881 the Secretary of State's revenues were the revenues of New Jersey, and it was therefore provided that they should be paid over as stated under the heavy penalty provided, and it was required that they should be stated in detail, that the State might see the exact source and amount of all its revenues. The 22d section, which is practically the close of the act, provides that a false oath to a return shall constitute perjury, and so on.

The next year, in 1880, a supplement was passed, which will be found in the Supplement to the Revision, page 898, section 22, &c., which also referred to the Clerk in Chancery, the Clerk of the Supreme Court and to the Secretary of State, and this act was really a further direction to them with regard to fees, but it now touches the matter of the judges' fees. You observe that the clerk is the collecting officer of the court, and the judges had now by the Legislature been put upon salaries. The Chancellor, who formerly got large fees, had now been put upon a salary. The Judges of the Supreme Court, who received a part of their compensation by fees, were now put upon a salary, and it was provided by law that all these fees which were for the services of the judges should now go into the State Treasury, and these, you observe, became part of the State revenues, too.

The clerks of the courts are of necessity the collecting officers for the State, and this supplement of 1880 touches that subject and that only. This supplement provides that it shall be the duty of the Clerk of the Supreme Court, county clerks, the Clerk in Chancery and the Secretary of State, after the close of each term of the courts of which they are respectively clerks, to make a full and itemized statement and to return to the Comptroller of the Treasury the sums which they have respectively charged and included in taxed bills of

costs—this is the same act I read when you had the county clerk, here—which they have included in taxed bills of costs, or which may have accrued in any case for fees for the services of the Chancellor, the Chief Justice and the Associate Justices of the Supreme Court, under any law now or hereafter in force, which statement shall be rendered under oath upon blanks to be furnished—and you will remember I produced one of the blanks here from the office of the Comptroller, which he furnishes to all these people. This applied still to the Secretary of State touching the courts of which he is clerk. That you will see, like the act of March 10, 1879, which touched the revenues of the State, requires a full and itemized and detailed account of the fees.

Now, in the year 1881, the time approached when this new arrangement with the Secretary of State's office was about to take effect, April 6, I think. A few days before that the Legislature had passed another supplement to this act, manifestly having in mind the changed system which was about to go into force. It will be found in the supplement to the *Revision*, page 893, and was passed February 16, 1881. It was evidently to make perfectly clear that it was the purpose of the Legislature to put that office upon a salary basis, and to exclude every other form of compensation.

“The Secretary of State of this State shall not be entitled to or take, receive or retain, except for the use of the State, any compensation, pay, fee or emolument whatsoever other than the annual salary of six thousand dollars fixed and provided for in section 3 of the act to which this is a supplement, for any act or services performed or thing done or furnished by him in any official capacity or under any law of this State, including the preparation and furnishing copies of laws for publication in the several newspapers, and the preparation and furnishing of a copy of the laws to the person authorized to print the pamphlet laws of the State; said salary of six thousand dollars shall be paid monthly, and for the allowance of four thousand dollars provided for in section 3 of the act to which this is a supplement, for clerk hire, the Secretary of State shall at all times employ and keep in his office a sufficient number of competent clerical assistants for the efficient and prompt performance of all the business and duties belonging and pertaining to his office or required of him in any official capacity, who shall be paid monthly.”

That went into force immediately prior to the beginning of this new term of the Secretary of State in 1881, and placed the office strictly upon the salary and allowance basis—six thousand dollars for salary, four thousand dollars allowance for clerk hire.

And I may say just here in connection with that act that it seems unique in the financial system of the State. The Secretary of State draws four thousand dollars per year; the clerks in the office of the Secretary of State are not upon the State's pay rolls, like the other clerks in the State House, but each month the Secretary of State under this act draws \$333.33 and himself pays the clerical assistants who may be necessary to do the work. Perhaps that is the proper construction of that act; I am not prepared to deny that the act will bear it. Upon the first reading of it I certainly should not have construed it so, particularly it being an act affecting the revenues of the State; but I should have read it to mean that the clerical assistants in the office should be paid, and the limit is an appropriation of \$4,000 a year, for their payment. But it has been construed from the first to mean that the Secretary of State is entitled to the four thousand dollars, and he attends to the matter of providing the clerical assistants. It raises a point of law which is a nice one perhaps, but, as I say, my own judgment would have been, reading it first without having the other side presented to me at all, that the act fixes a limit beyond which the expenditures for clerical services shall not go; it would not strike me as providing a further compensation to the Secretary, but the construction has been as I have said.

Chairman Voorhees—How are the clerks paid in the other departments? For example, there is a provision with regard to the Comptroller's department—for their clerical services, three thousand dollars.

Mr. Corbin—They are paid by the warrant of the Comptroller and receive the State's check. I think that is so in all the offices, with the exception of the Secretary of State.

Senator Skirm—The wording of this law is different from the other.

Chairman Voorhees—Here it is, *Revision, page 1036*, being the act of 1876:

“That the public officers hereinafter mentioned are hereby authorized, by and with the approval of the Governor of this State, to employ assistants as may be necessary in their several departments; provided, that the annual cost thereof shall not exceed the amounts hereinafter allotted to the several departments for that

purpose; that is to say, to the Executive department, two thousand dollars; to the Comptroller's department, for the first assistant, two thousand five hundred dollars; and for other clerical service, three thousand five hundred dollars."

Mr. Corbin—This is somewhat different, and reads this way:

"The Secretary of State shall receive a salary of six thousand dollars per annum, together with an allowance of four thousand dollars per annum for clerical assistants, to be paid by the Treasurer."

The phraseology is somewhat different, you see; I merely draw attention to it in passing.

So that this act, put in operation under the construction I have stated, left that office in this situation in 1881: The Secretary of State received from the Treasurer a salary of six thousand dollars; the Assistant Secretary of State had, by previous legislation, received a salary of three thousand dollars, and the Secretary of State drew the sum of four thousand dollars with which to pay for the clerk hire, and that continued to be the practice.

I call attention to an act passed April 18th, 1891, ten years later. *Pamphlet Laws, page 511*. This is a supplement to the "Act respecting the Prerogative Court and the power and authority of the Ordinary"—the old act of 1846. It provides that it shall be the duty of the Register of the Prerogative Court to record all wills, proofs, probates, letters testamentary, etc., etc., and other papers of a similar nature which are now required by law to be recorded in the Surrogate's office of the respective counties, and for all official services as Register of the Prerogative Court, he shall be entitled to charge and receive the same fees as are now allowed by law to the Surrogates of the several counties for like services; that all expenses incurred in carrying out the provisions of this act shall be paid by the Register out of the fees so collected.

During those ten years, from 1881 to 1891, which covers two terms of this office, the term of the Secretary of State being five years, these fees as Register of the Prerogative Court had been paid into the Treasury. When the term, which was then about to expire, did expire, under this act of 1891, those fees were no longer paid into the Treasury, but under the construction given to the act, have since been retained by the Register of the Prerogative office.

Senator Skirm—Was that the intent of the law?

Mr. Corbin—The act will bear that construction, but it doesn't seem to me the obvious construction, and as long as you have asked me the question, I will say this, that in laws appropriating the revenues of the State the intent must be clear or the money does not go. That is a rule of construction which I think is pretty well understood by lawyers, particularly those who have at all studied State affairs. You cannot appropriate the money out of the Treasury by any doubtful language; it must be clear; every doubt is solved in favor of the State. But this act says in words that "for all official services as Register he shall be entitled to charge and receive fees," and so on; whether that simply fixed the measure of these new duties, leaving the Secretary to receive and turn the fees over to the State as theretofore, is one question, or whether it meant he was to receive them for himself, is the other side.

Senator Skirm—During these ten years did the fees go into the State Treasury?

Mr. Corbin—Yes; they were returned.

This act is claimed to be a change of the law by which the compensation of the Register of the Prerogative office were increased, and that these fees are added to his salary. The language is that he may receive them, but it must be read in the light of previous legislation. I have not briefed the matter nor given it sufficient consideration to say confidently that the construction given is not a proper one. I am simply explaining the law as it is on this subject.

But after that term of office closed, in April, 1891, these fees were no longer returned to the State, and from that time to the present year, 1895, there is no return of any of those fees.

I think I had better continue and cite all the acts which I am going to cite, though possibly a little out of the proper order.

On the third and fourth days of April, 1889, there were passed two acts which affect the compensation of this office and to that extent the revenues from it.

The act of April 4th, 1889, is an amendment to the Insurance act. You will remember that at this time the Secretary of State was the Commissioner of Insurance. Since then that part of his duties have been transferred to another officer, but at that time he was Commissioner of Insurance, and a supplement was passed which is an amendment to sections 6 and 7 of the Insurance act. The sixth section as amended is simply restrictive upon insurance companies from doing certain things; it doesn't touch this subject under inquiry.

The seventh section as amended provides that the penalty for every violation of this act, and the act to which this is a supplement, shall be five hundred dollars, and all costs of suit; to be sued for and collected in the name of the State by the Secretary of State, and the offenders may be imprisoned, or fines may be imposed; one-half of the penalty is to go to the fire insurance charitable fund and one-half to the Secretary of State for the use of the State, and the necessary expenses of enforcing the provisions of this act and the act to which it is a supplement and the supplements thereto, when not otherwise provided for, shall be paid by the Secretary of State out of the funds so collected and the fees and taxes paid by the insurance companies of other States or nations authorized to transact business in this State.

That act of April 4th, 1889, you will observe, authorizes the Secretary of State to make expenditures for the enforcement of that supplement and the insurance act.

The other act to which I referred was approved by the Governor April 3d, 1889, the day before the insurance act. They are substantially coeval. It is a supplement to the general act concerning corporations, and will be found in the Laws of 1889, page 160.

The second section provides that it shall be the duty of the Secretary of State to compile and publish in pamphlet form during the present year, from the records of his department, a complete list of corporations organized under the corporation act, or any general public laws of the State, and annually thereafter, on or before the first day of March, in like manner to compile and publish a complete list of such corporations organized during the preceding year, together with the names of the officers and the location of the particular office; and then follows a clause to which I particularly desire to call your attention:

“The expense incurred in carrying out the provisions of this act shall be paid by the Secretary of State from the moneys collected under this act or the act to which this is a supplement.”

That act, like the other, you will observe, authorizes the Secretary of State to make expenditures out of the revenues of the State which he receives.

There is but one more statute, and then I will proceed with something else, and that is the act of 1894, being also a supplement to the Corporation act, passed May 15th, 1894, found in the Pamphlet Laws, page 346.

It provides that no foreign corporation shall transact business in New Jersey until it shall have filed in the Department of State

a copy of its charter, together with a statement, setting forth the total amount of its capital stock, and certain other details. It must also designate an agent in New Jersey upon whom process may be served; it shall pay certain fees to the Secretary of State for the use of the State on filing these papers, and when these conditions are complied with the Secretary of State is to issue to such foreign corporation a certificate that it has complied with the requirements of law and is authorized to transact business in New Jersey, for which the Secretary of State shall receive, for the use of the State, five dollars. And the end of the second section is this:

“ Provided that all expenses incurred in carrying out the provisions of this act shall be paid for out of the fees so received.”

The third section is the retaliatory clause, that where other States lay certain burdens upon our corporations who do business there, like fees and penalties shall be imposed upon their corporations that come here.

Senator Ketcham—Do those fees go into the State from this Foreign Corporation act?

Mr. Corbin—Yes, sir.

Senator Ketcham—Less any printing expenses, or anything like that?

Mr. Corbin—Less such expenses for carrying out the act. All fees paid into the office of the Secretary of State, with the exception, perhaps, of the Prerogative fees, which I have explained, belong to the State.

This retaliatory clause in the act of 1894, which doubtless all the Senators will remember, requires the imposition of certain burdens upon foreign corporations who come here, provided their States impose like ones on us. The duty of imposing that burden does not seem to be cast on anybody in particular, but very possibly the act means that the Secretary of State is to do it, in view of the fact that he has to make the expenditures necessary to carry out the act. In other words, it requires watchfulness of the laws of other States with regard to penalties, as well as of our own State, and I presume if the Legislature thought of it at all, that duty was cast upon the Secretary of State.

Chairman Voorhees—That was the intention of the act.

Mr. Corbin—And I believe that duty has been undertaken by that officer.

I now produce the returns made by the Secretary of State, and I trust I have made the history of this thing plain to the Com-

mittee. It is a little intricate, but it has to be followed to clearly understand the evidence.

Chairman Voorhees—I think you have, at least as far as I am concerned.

Mr. Corbin—You remember, from 1879 to 1881 the fees of the Secretary of State's office, although the act making the change had been passed, still belonged to him.

I offer in evidence the returns made by Henry C. Kelsey, Secretary of State, beginning with the quarter ending June 30th, 1879, and I will read one:

“Trenton, July 1st, 1879. Hon. R. F. Stockton, Comptroller. Sir: In accordance with the provisions of the act entitled an act concerning official fees and rendering account thereof, approved March 4, 1879, I herewith hand you a statement showing the entire amount of fees and compensation in any form received by me from all sources in any official capacity for services performed during the quarter next preceeding this date. See schedule annexed. Very respectfully, Henry C. Kelsey, Secretary of State.”

Then follows the schedule, which is sworn to, showing that during that quarter, as Secretary of State, there was received \$998; as Clerk of the Court of Errors, \$99; Register of Prerogative Court, \$144, and Commissioner of Insurance, \$486, making a total of \$1,728; and there is appended to it a statement of expense incurred and paid for clerical services, \$1,230. I think that is probably added for the information of the Comptroller's office, but I do not think that it was required by the act.

Marked “Exhibit 265.”

Also return for the quarter ending September 30th, 1879, showing total receipts \$1,429.36; clerical services, \$976.

“Exhibit 266.”

Also return of quarter ending January 1st, 1880, showing total fees, \$2,639.78; expense incurred and paid for clerical services, \$980.50; net balance of the quarter, \$1,659.28, to which is appended amount received for two previous quarters which I have mentioned, the quarter ending June, 1879, \$498.75; the quarter ending September 30th, 1879, \$463.26, making a total for the nine months ending December 31st, 1879, that is, net fees, \$2,621.29.

“Exhibit 267.”

Also return for the quarter ending March 31st, 1881; total, \$6,194.97.

“Exhibit 268.”

Also return from May 1st, 1880, to April 6th, 1881. This is the end of the term during which the Secretary of State could retain fees to his own use, and is a return, as you see, for nearly a year. "During the period from May 1st, 1880, to April 6th, 1881, I received fees formerly payable to the Chancellor as Ordinary as Surrogate-General, but now payable to the State, \$124.44, from which amount deduct 5 per cent., provided by law, there remains \$118.22.

"Exhibit 269."

Also return from April 6th to September 30th, 1881, of the Chancellor's fees, net \$67.50.

"Exhibit 270."

Also return dated October 19th, 1891, of the amounts received from fire insurance companies and distributed to relief associations.

"Exhibit 271."

Similar statement of October 27th, 1882.

"Exhibit 272."

I also offer the detailed account to April 5, 1880, filed in the Comptroller's office by the Secretary of State, amounting to \$16,409.42, showing twenty-one requisitions on the Governors of other States, four warrants on requisitions, &c., a great variety of items and fees received.

"Exhibit 273."

That account is made out in detail.

Senator Skirm—That is prior to 1881?

Mr. Corbin—Yes; I suppose, for convenience, made out so; but it was still at the time when the fees belonged to the Secretary of State, and the State was not interested in them.

Also, return of October 30, 1882, statement of fees collected, \$193.14. "Exhibit 274." That is for services of the Chancellor and belonged to the State.

Return dated January 31, 1882, fees for the quarter ending the previous December, \$1,402.53.

"Exhibit 275."

Also, return for the quarter ending March 31, 1882, \$6,791.99.

"Exhibit 276."

Also, for the quarter ending June 30, 1882, \$2,179.79.

"Exhibit 277."

Also for the quarter ending September 30th, 1882, \$1,384.21.

"Exhibit 278."

I draw the attention of the Committee to the fact that these last four returns, although for the three quarters which I have mentioned, appear all to be sworn to and really furnished the

same date, that is, October 27th, 1882, and I may say here that the returns from this office have not been made quarterly, but have been made yearly from 1879 to the present time, I think. They have been uniformly handed in at the close of the fiscal year, that is, within the last few days of October in each year. The State's fiscal year, as is well known, runs from November 1st, to October 31st, and while some of these statements appear each for a quarter, they are in fact all made out and sworn to and filed together at the end of the fiscal year.

Senator Skirm—Yet the law of 1879 requires them to be made quarterly and the amount of money to be paid in within ten days after the quarter?

Mr. Corbin—Yes, sir; that is one of the facts I read. The law governing this provides for a quarterly statement, and it governs all these subjects I have spoken of. There is another that I shall come to.

This brings us up to the year 1883. A law passed in that year which has very considerably increased the revenues of the State, and that is the supplement relative to corporations. It is the act of March 5th, 1883, Pamphlet Laws, page 62, whereby it was provided that upon filing with the Secretary of State of this State any certificate of incorporation of any company, there shall be paid by the incorporators named in such certificate to the Secretary of State, for the use of the State, the sum of twenty-five dollars for all corporations having an authorized capital of not exceeding one hundred thousand dollars, and one fifth of one dollar per thousand upon the largest amount of capital authorized by its certificate of incorporation.

That has been added to from time to time from 1883 to the present time, so that when a company enlarges its capital it shall pay a fee, and when it dissolves it shall pay a fee, and when it makes any alteration in its charter it must every time pay a fee. From companies having a large capital this amounts to a very large sum of money, some hundreds of dollars at times, perhaps thousands of dollars.

You will observe that the language of this act and the other later supplements are all in the same words, to wit: that the money "shall be paid to the Secretary of State for the use of the State;" there is nothing said as to when he or how he shall pay it into the treasury; there is nothing about it more than I have read you, "it shall be paid to him for the use of the State."

Now, I will state right here, as a matter of fact, these returns from this time on show that it has been paid into the State Treasury annually in October, practically at the close of the fiscal year.

I will produce the statements to you: they are like these other statements which I have already shown you, and like those which will follow with regard to other fees, statements in gross, and not with itemized details.

Chairman Voorhees—Then the original act which requires him to turn over the moneys received by him apply to moneys thereafter received by him from all sources whatsoever?

Mr. Corbin—I think you are right about that; that is the act of 1879. Yes; “All fees now payable by law to him as Secretary of State, (this is the act of March 10, 1879,) Clerk of the Court of Errors, Clerk of the Prerogative Court, Register in the Prerogative Office, Clerk of the Court of Pardons, Commissioner of Insurance, or in any other official capacity whatever, shall be collected by him, and a statement thereof in detail, verified by oath, shall be submitted,” &c. “And the Secretary of State shall, within ten days thereafter, pay over the amount of such fees.” It says “All fees now payable by law or received in any official capacity whatever.” There might be a question whether it referred to future legislation. It is not a new capacity, but it is a new duty cast upon the Secretary of State.

Chairman Voorhees—Yes, received by him, though in his official capacity.

Mr. Corbin—From this time on the return made by the Secretary of State is found in one paper each year, one for 1883 and one for 1884, and so on; that is, one set of papers fastened together.

Senator Skirm—That is the detailed statement made at the last of the year, as I understand?

Mr. Corbin—It is not in detail, but it is a statement.

The next one which I offer in evidence is the statement of October 30, 1883, and I have prepared a schedule here giving a list of these payments, it may be convenient for the Committee to have in hand. First is the return of moneys received from life insurance companies, \$4,428.31; the next, services of the Chancellor, \$126.90, for the year—the Chancellor as Ordinary of the Prerogative Court. The next under the Corporation act, \$18,070.96. Marked “Exhibit 279.”

The Comptroller has very kindly made me out a schedule of all these payments, which is a little more in detail than that, showing the amount received for each account, and all summed up, making a total of receipts turned over in October of that year, \$34,743.77.

I also offer in evidence the returns for the year 1884, being a

total of \$35,970.96 turned into the State Treasury. "Exhibit 280."

Also the return for the year 1885, showing the total of all accounts turned into the State Treasury, \$31,040.88. "Exhibit 281."

Also for the year 1886, showing total return into the Treasury, \$41,292.37, in October of the year. "Exhibit 282."

Also return of 1887, October 18th, showing total \$55,809.62. "Exhibit 283."

Also return of 1888, showing total \$61,689.41 turned into the Treasury. "Exhibit 284."

Also the return of 1889, showing total \$67,854.59 turned into the Treasury, October 23d, 1889. "Exhibit 285."

Also of the year 1890, showing total of \$126,602.44 turned into the Treasury, October 20th, 1890. "Exhibit 286."

Also return of October 22d, 1891, showing total of \$120,156.02 turned into the Treasury. "Exhibit 287."

Also return of 1892, showing total \$118,614.15 turned into the Treasury. "Exhibit 288."

Also return of 1893, showing total \$130,736.97 turned into the Treasury. "Exhibit 289."

Also return of October, 1894, showing total \$67,449.36 turned into the Treasury. "Exhibit 290."

The total of these twelve years, 1883 to 1894, inclusive, turned into the Treasury by the Secretary of State is \$891,960.54. Of this there came from filing certificates of corporations, \$684,407.83;

For official fees.....	\$175,190 84
Assessments on private acts.....	550 00
Judicial fees.....	3,017 27
From insurance companies.....	54,359 23

Those figures, if you will foot them up, make \$917,525.17. From these figures there are deducted expenses, \$25,564.63, leaving the net total, which I mentioned, \$891,960.54.

The Committee will observe at once that the matter has become one of very substantial and considerable revenue to the State. Of the matter of fees for filing certificates, as well as other fees of the Secretary of State's office, by far the most important item is the amount derived from the corporations on filing certificates.

Senator Ketcham—Summing up what you have said, then, Mr. Corbin, the Secretary of State's office was paid fees up to April 6th, 1891?

Mr. Corbin—He retained the fees for his own use.

Mr. Ketcham—After that salaries were paid and the law required that a quarterly return of fees should be made and the money paid in ten days thereafter?

Mr. Corbin—Yes, sir.

Senator Ketcham—And the facts are that yearly statements were made practically at the end of the year, in October of each year?

Mr. Corbin—Yes, sir; that is so.

Senator Skirm—Why should that be? Is there any good reason why that should be?

Mr. Corbin—I think that is a question I will ask Mr. Kelsey.

Senator Skirm—I thought you had discovered a good reason why that should be so.

Mr. Corbin—Well, I suppose the matter was commenced that way probably, and the habit has continued. I suppose, that is all I can say at the present time.

I mentioned a moment ago the deduction from these figures of twenty-five thousand and odd dollars for expenses. That is to a considerable extent explained by the returns which the Secretary of State has made to the State. Those begin in 1889, the year in which I told you that the two acts were passed, one with reference to corporations and one with reference to insurance companies, April 3d and April 4th. Taking the return for the year ending October, 1889, we have one sheet referring to the corporations, and I will read this statement:

“Amount received under the Corporation acts, as above, \$44,113.20, less expenses paid under the supplement, approved April 3, 1889, as per three vouchers herewith, \$950, leaving the net for which check is sent, \$43,463.20.”

The vouchers annexed are receipt of September 30, 1889, from Thomas K. Johnston for \$250 on account of services under the Corporation act in filing list of corporations.

Also, September 16, 1889, \$500 on account of services in the Department of State. R. S. Stockton.

And July 25, 1889, \$200 on account of services in Department of State. R. S. Stockton. Making \$950.

The supplement which I read required the Secretary of State in the year 1889 to file this list of corporations. I have a later edition of that list here, but there was an earlier edition than 1892, I think.

The insurance statement for the year 1889 is as follows:

Total amount received as above for the year, \$7,338.13, less expenses paid, as authorized by the supplement of April 4, 1889, as per two vouchers herewith, \$1,227.65, balance check, \$6,110.48.

The vouchers annexed are a receipt of September 30, 1889, for \$1,125 for services in Department of State, under the Insurance act during the current year, signed by A. H. Rickey, and the other is a bill for professional services, \$102.65, in defending some case, or something of the sort, making the deductions that year of \$950 on account of corporations and \$1,227.65 on account of insurance, or some \$2,200 all told.

The voucher of 1890 relative to corporations shows that the amount received under the Corporation act was \$100,059.72, less expenses paid under the supplement of April 3, 1889, that is for this supplementary list, \$700, leaving the net \$99,359. The \$700 is made up as follows: Thomas K. Johnston, \$250 for services under the Corporation act; G. B. Dunning, \$100, G. B. Dunning, \$100; R. S. Stockton, \$250.

The insurance statement shows total receipts of \$7,209.60, less expenses authorized by supplement of April 4, 1890, \$1,848.82, leaving net \$5,450.78; and the vouchers annexed are a receipt by Thomas K. Johnston, \$1,125 for services; W. P. Wells, \$109.50 for services, in the insurance department, and Alexander H. Rickey, \$425.

The voucher of 1891 shows the corporation department receipts to be \$94,813.03, less expenses paid under the supplement of April 3, 1889, as per four vouchers attached, \$3,333.77, made up as follows: G. B. Dunning, \$92 for services; Naar, Day & Naar, to printing one thousand copies of the list of corporations, 210 pages, and a thousand copies of the pamphlet list of corporations of 1890, 58 pages, \$2,331.77; and S. M. Dickinson, for services preparing the revision, \$200; John W. Brooke, services, \$720.

The return of 1892 drops out the insurance expense, for the Insurance Department in that year was removed to another office; but under the corporations statement it appears that the total receipts from corporations were \$116,082.44, less expenses as per four vouchers attached, \$7,260.58. Those four vouchers are, Naar, Day & Naar, printing and binding two thousand copies corporations of New Jersey, \$4,685.58; John W. Brooke, for services, \$1,000; W. P. Wells, for services, \$855; W. H. Rea, \$720.

The return of 1892 shows that the corporations paid in \$125.-571, and the expense, as per ten vouchers attached, \$4,409.45, leaving net \$121,161.55. The vouchers are Mary S. Gottschalk, \$150; M. A. Mitchell, \$150; Wm. H. Knowles, \$150 for services; W. H. Rea, for services, \$240; G. B. Dunning, \$450 for services; W. P. Wells, \$625 for services; John W. Brooke, \$1,180 for

services; S. M. Dickinson, \$200; Allan McDermott, \$200 for legal services in the case of Hull vs. Kelsey; Naar, Day & Naar, for printing two thousand copies of the supplement list, 68 pages, \$1,064.45.

The last voucher, the one of the year 1894, shows that the amount received from corporations was \$62,459.28, less expenses, under the supplement of April 3d, 1889, as per eight vouchers attached, \$4,234.36, leaving net \$58,224.92. These vouchers attached are: M. A. Mitchell, for services, \$600; W. H. Rea, for services, \$750; G. B. Dunning, services, \$500; John W. Brooke, for services, \$1,200; William S. Potter, for services, \$100; Naar, Day & Naar, for printing supplemental list, &c., and also making some blank books, \$1,084.36.

HENRY C. KELSEY, sworn.

Examined by MR. CORBIN.

Q. You are Secretary of State? A. Yes, sir.

Q. How long have you held that office? A. Since the first of July, 1870.

Q. Have you a record of the fees collected in your office during the period from March, 1879, to April, 1881? A. Yes, sir.

Q. Have you the book here? A. Yes, sir. (Witness produced books.)

Q. Is this the list of charges, or list of cash items as they come in? A. List of cash items.

Q. And just in the order in which they came into the office? A. Yes, sir.

Q. And without reference to what particular account they came from? A. At the time; yes, sir.

Q. Who kept this book? A. That was kept by Mr. Hall, Joseph D. Hall; he was Assistant Secretary of State at that time.

Q. And the other one as well? A. Yes, sir.

(They are entitled cash book No. 3 and No. 4.)

Q. (By Senator Skirm)—Mr. Hall was Assistant Secretary of State at that time, was he not? A. Yes, sir.

Q. It was from these books that the returns were made out to the State? A. Yes, sir.

Q. Now, will you please show me the books giving the record of moneys received after April 6, 1881, the date when the new system took effect? A. That is the first one from the 6th of April, 1881. (Book labeled cash book No. 1, beginning April 6, 1881.)

Q. This is kept in the same way? A. Yes, sir; it shows the the different heads.

Q. This has three columns, Secretary of State, Court of Errors, Prerogative. I see, Mr. Kelsey, from page to page as the book is balanced, that your initials are placed upon it, with the date? A. Yes, sir.

Q. Did you verify it from month to month and from time to time? A. Yes, sir; from time to time when the money was paid over to me I checked it in that way; that means that up to that time—

Q. That you had received that amount from Mr. Hall? A. Yes, sir; and continues in that way to this time.

Q. And it is from the totals of these books that your returns to the State have been made? A. Yes, sir; Mr. Hall made out the statement.

Q. Show me those which follow this cash book No. 1? A. There is No. 2 and 3. (Witness produced cash books Nos. 2, 3, 4 and 5, and in No. 5 there are more columns—Corporation, Secretary of State, Court of Errors, Register, Ordinary; and those that follow likewise, No. 6, No. 7 and No. 8, bringing the record down to the present time.)

Q. When moneys come into the office are they first entered in this book? A. Yes, sir.

Q. And then they are classified at that time as to the proper column to which they should go? A. Yes, sir; at the end of the month Mr. Rickey pays them over to me with a separate list, and I take the list and compare them and check them in the way you see here at the end of each month.

Q. With your initials? A. Yes, sir; April, 1895, for instance, total, and the initial; that corresponds with the list Mr. Rickey delivers to me.

Q. And the returns to the State are made up from these books? A. Yes, sir.

Q. One of the Senators ask why your returns to the State had not been made quarterly, as provided by law? A. I am not sure that there is any law requiring me to make any returns to the State at all; the act of 1879, of the 10th of March, I think, required one kind of return, and which it is impossible to make; a few days later, on the 14th of March, I think, an act was approved requiring another sort of a return, which I made.

Q. Had you ever observed that the act of March 10th referred solely to fees received for the use of the State, and that the act of March 14th referred solely to fees received for the use of the clerk or officer? A. Yes, sir; the following act repealed all acts and parts of acts—the usual repealing clause—and then in 1881,

before my term began, and there was a lapse of one year there which you failed to take note of; it is immaterial, I think.

Q. Yes: between 1881 and 1882 you held over? *A.* Yes; failed to be confirmed; but in 1881, I think, while my nomination was pending for the full term which would have begun April 1st or 6th, another act was passed in regard to the salary of the Secretary of State, which made no provision for any return whatever; my nomination was sent in to the Senate, had been already sent, if my recollection is right, but was rejected; after the adjournment of the Legislature the Governor appointed me for the *interim*, and the following winter, in 1882, appointed me for the full term, and I was confirmed; I continued making the returns as I had done before and turning over to the State every dollar I had received.

Q. You speak of the act of 1881. You refer, do you not, to the supplement which I read to the Senators? *A.* Yes, sir; I think so.

Q. Which provides that no other compensation shall be had except the salary? *A.* Yes, sir.

Q. And do you say that you were in doubt about the law requiring you to make returns? *A.* Yes, sir.

Chairman Voorhees—What is the exact language?

A. I hold that a strict construction of those three acts, take them together, would not require me to make up the return at all.

Q. (By Senator Skirm)—Then why should there be any return made, if the law don't require it, even once a year, if there was no obligation to make a return? *A.* Because I didn't receive the money for myself; it was for the use of the State. At the end of the fiscal year, before the closing, I always returned every dollar I had received.

Mr. Corbin—As I read the acts, they are not inconsistent with each other in the respect referred to.

The act of March 10th, 1879, referred exclusively to returns for fees received by the Secretary of State *for the use of the State*, and provided for their payment quarterly, or within ten days after the expiration of the quarter, under heavy penalties, and required a detailed return, the word "detail" being used. The act passed four days later referred exclusively to fees received by officers *for their own use*, and although it did contain a general repealer it only repealed inconsistent legislation, and I don't see anything in it inconsistent with the act of March 10th, for the two acts referred to two entirely

separate subjects. Now, the supplement of 1881 simply said, in very emphatic language indeed, that thereafter the Secretary of State should receive no compensation, except the six thousand dollars heretofore provided in the act of 1879, and should have the four thousand dollars allowance for clerk hire. It was rather, it seems to me, confirmatory of the act of March 10th, 1879, than a repealer of anything in it; I can't see that it in any way modified it; the returns have been made, but they have been made annually instead of quarterly.

Q. In making the returns of the State's moneys, why did you not return them in detail, as specified in the act of March 10th, 1879? *A.* That is a question I can hardly answer; I may have had the list made up from the cash account under the several headings; I didn't understand the act to mean that there should be a complete list furnished to the Comptroller of every item of cash received, varying from fifty cents to thousands of dollars in some cases. It is a matter of record, and here it is, and my attention was never called to that feature from first to last, and I never contemplated it; and if I were asked now my construction upon that act, I would say that it required me to make a return in total; the detail had reference to the several subjects, sources of revenue from the corporations, from the official fees payable to the office, and that is the way the books have been kept, and not as to details.

Q. The act of March 14th, in reference to fees which you can retain, provides in words, that your returns shall be in gross, specifying the gross amount from each of these different sources.

A. Again that has that repealing clause.

Q. It doesn't refer to the same subject? *A.* Of course, possibly one act referred to one class of fees and another to another, but from that date to this, Mr. Corbin, that question has never been raised.

Q. I suppose these books have never been examined by any of the State officers, have they? *A.* No, sir; they were always subject to examination by the Comptroller whenever he chose to call for them.

Q. But the financial officers of the State haven't, as a matter of fact, examined them? *A.* They have not.

Q. And you have submitted to the Comptroller only these statements which I have mentioned? *A.* Yes, sir; that is all.

Q. And these statements, do they not give the annual total amount which you have received and turned over from each of the several amounts? *A.* Yes, sir.

Q. One total for corporations? A. Yes, sir.

Q. One for insurance, and one for court fees, and so on? A. Yes, sir.

Q. When did you pay over the moneys? A. The day the return was made.

Q. In October of each year? A. Yes, sir.

Q. All at one time, I suppose? A. Yes, sir.

Q. Where did you keep the moneys of the State in the meantime? A. They were entered into my personal account and were kept with my personal funds.

Q. You had no separate account with them? A. No, sir.

Q. I presume you deposited them in the bank, of course? A. Yes, sir.

Q. Where did you keep the State's funds? A. In the bank—the Mechanics Bank of Trenton; I had two accounts—Mechanics Bank of Trenton, and Sussex Bank, of Newton; chiefly the Mechanics Bank here at Trenton.

Q. How often were these cash books balanced and verified by your initials? A. Once a month; since the salary system begun I think regularly once a month; previously, under the fee system, from time to time, as I have already stated; the Assistant Secretary of State keeps the cash account and returns to me, and I verify it and receipt to him for it when it comes.

Q. When you returned the moneys to the State in October annually, did you return all collected up to the end of October or to the end of the previous month? A. The fiscal year ends September 30th; you will find my returns shows it for the year ending September 30th, I think.

Q. Yes, I see by looking at these returns which you made in October that they are made for a year, ending September 30th. This one says September 30th, 1894, so that the return does not agree exactly with the fiscal year. The fiscal year ends October 31st; they are made during the month of October, generally between the 20th and 30th, so that they are one month behind the fiscal year.

Senator Skirm—Are they made for twelve months?

Mr. Corbin—Yes, sir; made for the twelve months. For instance, taking this account; I have the cash book in my hand for the year ending September 30th, 1893. The first month returned in that year would be the month of October, 1892.

Q. Your receipts, then, for that first month of the year would be \$10,477, as shown on page 94, the amount footed here? A. Yes, sir; \$10,477.40.

Q. And for the month of November, \$5,818.41. I desire to show about how they run for the different times of the year?

A. For the month of December, 1892, \$11,860.53; month of January, 1893, \$9,914.48; month of February, 1893, \$13,061.72; March, 1893, \$16,984.39; April, \$7,875.61; May, \$32,946.12; June, \$9,206.89; July, 1893, \$6,316.65; August, 1893, \$2,958.81, and September, 1893, \$4,977.41.

Q. Do these collections run about the same throughout the year, or were there some periods when they were more active?

A. No; as to periods, I don't think that makes much difference on that account, but they have varied; the annual receipts have varied, as you will have noticed, by reason of the larger or smaller volume of corporation business; the fees run along about the same.

Q. Now, take the year which I have mentioned, which seems to be the largest one there, \$130,000, 1893—the last two or three months of the year were the smallest months of all. Now, in that case you really had in your hands of the State's money from fifty to one hundred thousand dollars for a large part of the year, did you? A. I don't remember; I can't tell without looking at the record; the book shows.

Q. Wouldn't it be a better plan for the Legislature to regulate that subject of payment, don't you think, at some more frequent intervals? A. I see no reason why it should not be done. Answering your question categorically, I should say it would, because if the corporation policy that has become pretty well settled in this State, is followed, the revenue from that source is liable to continue to be very large, and as far as I know, certainly speaking for myself, there is every disposition on the part of the officials of the State to encourage that policy, because it is a source of large legitimate revenue, without any offset whatever; I think there is no man more familiar with the subject than yourself.

Q. It is easily collected? A. Easily collected, and does no citizen any harm; I mean as to the liberal policy of the corporations; the revenue to the State from that source, through the original filings and annual tax, if the same policy is pursued, as it might be and should be, it ought to reach a million dollars a year within a very short time; I mean from the miscellaneous corporations.

Q. Including the taxation of the franchise? A. Yes, sir; including the State Board of Assessors' taxation.

Q. It is subject to change with the change of times? A. Yes, sir.

Q. In times of panic? A. Yes, sir; it has been falling off.

Q. I see the last year it has broke off to about half? A. Yes; there were none of the large ones last year.

Q. How is the revenue this year? A. There are no large matters; they have been running along about the same; in April, \$5,909; March, about the same, \$4,617; February, smaller, \$2,855, from corporations; January, \$3,944.

Q. Then, since this act went into effect, in 1883, taking your calculations since last September, and add them to the \$891,000 you have turned in, you have collected for the State a revenue of more than \$900,000, have you not? A. I haven't gone over that, but I have it here, prepared some time ago for another purpose.

Q. It is, roughly, \$900,000? A. Yes, sir; I should say so; my impression is it amounted to \$663,519.67.

Q. And I understand you that, during all those twelve years, there has been no audit of your accounts by any of the State officers, or by anybody else, except your own private— A. I made out returns.

Q. I am not now questioning the correctness of it at all. A. Nobody, except so far as I have made reports to the Comptroller.

Q. But the State has caused no audit to either of these accounts which you have presented, or your check books, or any examination whatever to be made? A. No, sir; none.

Mr. Corbin—I submit to the Committee that such a large revenue does demand some sort of supervision or inspection by some officer charged with the collection of the revenues and the disbursement of them.

Senator Skirm—I understand Mr. Kelsey to say that these accounts of moneys received were deposited either in the Mechanics Bank or in the Sussex Bank, to his own credit?

Witness—Yes, sir.

Senator Skirm—Now, I ask you, as a matter of information for the Committee, is there any State officer who receives money in large amounts, except the State Treasurer?

Mr. Corbin—The Dairy Commissioner receives some fines on behalf of the State.

Senator Skirm—Small amounts.

Mr. Corbin—Last year they were \$800; the largest amount in any year was 8,000 and odd dollars. The prosecutors of the pleas and clerks of the courts receive fees, fines and forfeits, but nothing, I think, so large as those.

Senator Skirm—I suppose, in case of the death of the Secretary of State—leaving Mr. Kelsey entirely out of the question—supposing, with this large amount of money, from the first of September, accumulating until the next October, a year, suppose in case of the death of the Secretary of State, and the money deposited to his individual credit, where would the State be?

Mr. Corbin—I suppose the State would have to prove its claim against the estate and await its distribution.

Senator Skirm—Would it not be proper, then, for the Legislature to cover the matter so as to make the deposits either with the State Treasury, of the money received, or into the account as Secretary of State? As I understand, I presume the Secretary of State gives but very little bond. Of course it is not a question of integrity on the part of the present Secretary of State; it is only a question concerning the matter of revenue to the State hereafter.

Mr. Corbin—I have brought the matter to the attention of the Committee by direction of the Chairman and other members, for the very reason that it seemed that large revenues are by the law, or the practice, left with exceedingly unsatisfactory supervision.

Senator Skirm—Without any reflection upon the present Secretary of State, it is only the custom and manner in which it has grown up.

Mr. Corbin—We can well imagine that to leave with a Secretary of State who is not personally responsible so large a sum as \$125,000 might be dangerous.

Senator Skirm—Now, while the present Secretary of State has been here from 1870, of course I suppose every member of the Committee would give the Secretary of State the credit of having the best-kept office, the best-conducted office, possibly, in the Capitol, that is without any reflection on the other State officers, but there may come a time when there would not be as efficient a Secretary of State as Mr. Kelsey, and it seems to me that there ought to be some safeguard thrown around the successor, if not himself.

Mr. Corbin—I am quite ready to agree that the Secretary of State's office, so far as its treatment of people who have to do with it is concerned, is certainly a most admirable office; I don't like to institute comparisons; I wouldn't like to say it was better than the Comp-

troller's or Treasurer's office; I think they are model offices in the method of their conduct and in their treatment of those who have to do business with them, and so possibly with some other offices in the State House; in that respect the State has been singularly fortunate in having officers of great intelligence.

Senator Skirm—And integrity.

Mr. Corbin—Yes, sir; and men of courtesy as well; but it is with the view of calling this Committee's attention especially to this question, whether it is proper to leave so large a part of our revenue without further legislative protection. I don't think it is.

Senator Ketcham—Senator Skirm has named a contingency, and I think we all realize the fact that some legislation should be had whereby these matters could be better regulated. We have brought out the fact that the Secretary of State at a single time has had as much as \$75,000 of the State's money in his private account. I would like to know if at some period during that time the State has not been a borrower and been paying interest, to pay its debts in years past.

Mr. Kelsey—Not to my knowledge.

Mr. Corbin—As near as I answer you off hand, in the year 1887, Mr. Kelsey turned over a little less than \$56,000; in 1888, \$61,000; in 1889, \$67,000; in 1890, \$120,000; in 1891, \$120,000; in 1892, \$118,000; in 1893, \$130,000. Now, one of the Treasurer's testified the other day with reference to the time when our loans were last paid off, and I am not sure—

Senator Ketcham—He said it was in 1891, the State was a borrower.

Mr. Corbin—I think Treasurer Gray testified when he took office in 1891 that the State was a borrower, but when the funds came in under act of Congress for the return of the direct tax, that they then paid off that debt, and since then, which must have been about 1892, the State has not been a borrower, but for a number of years previous to 1892, unquestionably the State Treasury was a borrower.

Senator Ketcham—Won't you ask Mr. Kelsey this, without reflecting upon him or anybody else, won't you ask him this question, whether he doesn't think that, as a wise public officer, law or no law, statute or no statute,

that as soon as the money is collected for the State it should be immediately turned over to the State, and not put into a private account.

Witness—Within certain limitations; yes, sir; there is no reason in the world that I know of why a return should not be made monthly by every officer to the State Treasury, who collects public funds; as to doing it immediately, I would say that would be rather impracticable, and I take it that the Senator doesn't mean that.

Senator Ketcham—Take it in the city of Newark, for instance; I believe the Comptroller there every night makes up, or the City Treasurer makes up his report and turns his money over daily, and it goes into the bank daily in the name of the city.

Witness—Yes, and Newark City Treasurers once in a while default.

Senator Ketcham—They would default still more if they had the money in their possession much longer.

Witness—Perhaps so. No, I see no reason, but I would say that would be hardly a practical business proposition.

Senator Ketcham—You understand we are not reflecting upon you in asking these questions. We simply want to get at the facts of the case and know what is a wise policy to pursue.

Senator Skirm—I understand Mr. Kelsey to say that at stated times—Senator Herbert suggests it—with my knowledge of accounts, it seems to me that it would be difficult, as the money comes in in small amounts very often, as 50 cents, &c. Therefore it would be almost impracticable to render, as suggested by Senator Ketcham, a daily statement.

Witness—Quite so.

Senator Skirm—But if any legislation could be passed to make the settlement monthly it would possibly accomplish the same purpose without any interference with the duties of your office?

Witness—As counsel has already called your attention to the system, and he had examined it previously, it is perfectly simple, and I am largely indebted to the simplicity and the perfection of the system—and I think it is as perfect as can be—largely indebted to the Assistant Secretary of State, Mr. Rickey; there is no reason that

I can think of why at the end of a month, the day I check that up to Mr. Rickey—these red figures indicate what deposits are made—the deposits up to that point at the end of the month would be the amount, and I receipt to him in this way (indicating on book). There is no reason as to convenience, or anything else, why that amount should not be turned over on that date on the close of the month.

Mr. Corbin—The Committee will notice at the present time these receipts run five or six thousand dollars a month; if they were paid over every day it would be a matter of two or three hundred dollars daily; it could be done, of course.

Witness—It would be troublesome to the financial officers.

Q. I asked you to bring with you your check books in which were deposited the money of the State? A. Yes, sir.

Q. Will you show them? A. Yes, sir; I have both Mechanics and Sussex bank checks here, but for a long time past—in fact from the beginning the bulk of my accounts—

Q. Are State moneys in both, or only in the Mechanics? A. Only in the Mechanics of late. Here is the one in use now; there are the checks for several accounts drawn to the order of the State Treasurer when I made the return to the Comptroller last October: the deposits are there indicated by the red tapes.

Q. This, then, is your personal check book? A. Yes, sir.

Q. And has your personal matters in it? A. All my personal affairs in it.

Q. As well as matters of the State? A. Yes, sir; here are the pass books.

Q. Referring to this check book which you have produced, being the one for the present year, 1895, I see that the balance in it as struck in the early part of April is \$1,444.16. You have shown us your cash book showing that the receipts since the first of October on behalf of the State have been some \$5,000 per month, so that the State moneys which you have received are not now in this book, are they? A. They are absorbed in my personal account and do not appear separately anywhere.

Q. That is, you do not leave them in the bank? A. No, sir.

Q. Do you transfer them to another bank? A. No, sir.

Q. Have you any way then of identifying at any time the State's moneys in case an emergency should arise? A. Yes, sir; this cash book shows.

Q. That shows the amount you owe the State? *A.* And shows the several items, and I keep a list; I keep, on making a deposit, a schedule of the several items, every check and name of the drawer and cash.

Q. I think you are quite right in saying that, in view of these cash books there is no difficulty in arriving at the amount of the State's moneys and of how the items arose, but if the money is deposited in your own account and then again drawn out of it, the identity of the money is certainly lost? *A.* That is true.

Q. And you haven't it in either of your bank accounts? *A.* It is a personal matter when it is in there; I have never kept an official account since I have been in the office.

Q. It is practically then absorbed into your personal affairs and accounts? *A.* That is it.

Q. Now, I observe that the receipts on behalf of the State for the month of October, 1894, were \$6,089.77; November, 1894, were \$6,531.64; December, 1894, \$6,436.57; January, 1895, \$4,779.72; February, 1895, \$4,142.54; March, 1895, \$5,447.17; April, 1895, \$5,709.72. Then since your last return to the State you have received and still have some \$39,000 of the State's money? *A.* Yes, sir; less some items of expense.

Q. This bank account, as last balanced, appears to have in it but \$1,444? *A.* Yes, sir.

Q. So that really you have transferred it to your own personal operations, have you not? *A.* Yes, sir.

Q. And have you any means of following it and identifying it in case of trouble and emergency? *A.* I think that would be very difficult.

Q. Now, on October 29th, 1894, you paid over to the State in one day some \$67,854? *A.* Yes, sir.

Q. And yet I see that when your bank-book was balanced the last time before that day, your balance appears to be but \$1,290.57. So that really the same state of affairs was true last year as this year, was it not? *A.* Every year.

Q. In other words, you have not kept these moneys in the bank and allowed the bank balance to accumulate, but they have been absorbed, as you stated, in your affairs? *A.* Yes, sir; I kept no separate account at all.

Q. Nor have you left the moneys in any particular account in the bank? *A.* No, sir.

Q. That, of course, puts you to the necessity of raising and providing funds every October? *A.* Yes, sir.

Q. To pay them? *A.* Yes, sir; I have always been able to do it.

Senator Ketcham—I don't quite understand this. As I understand, from the last report up to the present time those books of account show \$39,133 received, and the check book shows \$1,444 balance. In other words, there is \$37,689 of the State's money that is not accounted for in that check book. Is that it?

Witness—Hardly that.

Mr. Corbin—He says it was absorbed in his personal affairs.

Senator Ketcham—That is, \$37,689 of the State's moneys are absorbed in his personal affairs?

Witness—Yes, sir, and the \$1,400 also.

Senator Ketcham—That is worse yet.

Witness—Yes, it all stands in my own account.

Q. In other words, in making investments on your own account you invest also whatever your balance may be of the State's money? A. I keep no separate account whatever.

Q. Nor do you leave in the bank the money that belongs to the State, but use it until the time comes for paying it? A. Yes, sir.

Examined by SENATOR KETCHAM:

Q. Is that invested anywhere? A. Not on account of the State.

Q. On a private account? A. Sometimes it is, sometimes it isn't.

Q. If it is invested, then of course you received something for the investment? A. I generally try to.

Q. That is, you receive interest on the State's money; is that it? A. If it is to be called the State's money, I suppose so.

Senator Ketcham—That is what I want to find out.

Examined by MR. CORBIN:

Q. Is it embarked in any enterprise where it is liable to be lost? A. No, I think not.

Q. Is it invested in securities which are proper investment for State funds? A. Why, I think so; at any rate I am personally responsible for the amount, and have always been able to pay the amount due the State at the end of the year; have always done so, and can do it to-day.

Q. In what is this \$39,000 of the State's money which you now have now invested? A. That I am unable to say.

Q. That is, you cannot distinguish it from your other moneys? A. No, sir.

Q. (By Senator Voorhees)—That can hardly be said to be paid over to you for the use of the State, can it? A. Well, the State will get it.

Q. (By Senator Ketcham)—Get the interest as well as the principal? A. No provision in the act for that, as far as I know.

Q. (By Senator Ketcham)—Do we want a provision in the acts to cover cases like this? A. I don't know about that, Senator.

Q. I will ask you one more question in reference to it: you say you cannot distinguish it; have you a sufficient amount of such securities as would be proper for trust funds, with which you can repond with this \$39,000? A. I can; I think I can raise the money and pay it to the State to-day, if it is desired.

Q. (By Senator Ketcham)—May I ask this question: Would you, at the request of this Committee, without any law whatsoever, before the Legislature can pass a law upon the subject, would you turn this money over directly to the Treasurer at the request of the Committee? A. Why, I have the very highest respect for this Committee and its counsel.

Q. (By Senator Ketcham)—Do you have as much as that for them? A. I shall have to answer that question in the affirmative. If this Committee will request me formally, or personally informally, I will pay it into the State treasury up to the end of the last quarter promptly.

Mr. Corbin—I don't think, Mr. Chairman, it is a question at all of Mr. Kelsey's ability to respond with \$39,000, nor yet of any fear that we have at this moment of the State's losing any of this money. It is rather as to the method that has been pursued, and as to what shall be done with respect to the future.

Senator Ketcham—Take the contingency Senator Skirm spoke of. Suppose he should die; the State would be left in this dilemma, and should a public officer leave the State in that condition an hour?

Witness—I don't think Senator Skirm intended to intimate that—

Senator Skirm—No, I only asked the question in case of the death of any other man. Of course this Committee realize the fact that Mr. Kelsey is fully able to deliver any amount he owes, whether it is \$39,000 or \$399,000, or any other amount that would be due, and therefore I don't mean at all to reflect on that line, only that the contingency might arise that in the case of the death of a Secretary of State with that amount in his hands; of course my question was about how the State

would be reimbursed, and Mr. Corbin replied, by simply filing a claim, and of course it would be paid by the executors.

Witness—Now, I want to say, Mr. Chairman, that I think rather favorably of Senator Ketcham's suggestion; at the same time, I don't know whether the Committee would consider that within their province.

Senator Ketcham—I think as State officers, both Secretary of State and Senators ought to see that public money is carefully looked after, and it is to our interest here in this public inquiry to reach a result that will be satisfactory to you and to us, and to the entire State, and the suggestion was made with that view.

Senator Skirm—I would raise the same question, Mr. Chairman, that the province of this Committee is not to ask the Secretary of State to do anything. He is a State officer, and, therefore, as one member of the Committee, I should feel very loath to make any request of any State officer or any one else to do anything which is not in the province of this Committee, and to ask Mr. Kelsey to turn over any money he may have as a State officer to the State Treasury I think would be outside of the province of this Committee.

Chairman Voorhees—It is rather an assumption on our part.

Witness—I will say most emphatically that should the Legislature at the coming session pass an act requiring the public officers holding State moneys to pay them into the State Treasury at the end of the month, and monthly thereafter, I should be prompt to respond.

Q. In October, 1893, you paid to the State Treasurer \$130,736.97, and I see that by your check book on the second of October, a few days before that, your balance in the bank was but \$2,058.71; I suppose you provided the necessary amount between those dates to make the payments, of course? A. I did.

Q. That has been your custom each year? A. Yes, sir.

Q. On October 24, 1892, you paid in \$118,614.15 in like manner? A. Yes, sir.

Q. And I observe that then your balance on October 11, a few days before, was but \$9,245.44? A. The checks were paid though.

Q. Under this method, then, it becomes necessary for you every October to raise a very large sum of money, does it not? A. Sufficient to cover that amount; yes, sir.

Q. Do you embark this money in business, or do you invest it in securities in the name of the State? *A.* Well, it is mingled with my funds; and I am interested in business, and I have securities; the securities are of late rather better than the business; I have never embarked it as such, separately, at all; I have never done anything of that kind.

Q. But you have simply drawn upon it for whatever the necessities of the hour might be, as if it were your own balance?

A. That is it.

Q. And whether that necessity happened to be an investment in bonds or stocks or the requirements of a business enterprise, you have drawn your check and it has been honored? *A.* That is it.

Q. And to that extent, until October, you have treated the money as if it were your own? *A.* Yes, sir.

Q. On October 22d, 1891, the amount paid by you to the State was \$120,156.02; your balance on October 1st appears on your check book to be \$2,863.37. The same course, I suppose, was pursued then? *A.* The same in every case, Mr. Corbin.

Q. In October, 1890, you paid to the State \$126,602.44. Your balance on October 1st was \$378.97; so that, that year you had substantially to provide it all? *A.* Yes, sir.

Q. By other means than your bank account. Well, I suppose, the same procedure substantially for each year? *A.* All the way through, uniform practice.

Chairman Voorhees—Mr. Corbin, may I ask if it has not generally been the interpretation of statutes that where a time is not fixed to pay over funds received by officers of the State, that it means immediately?

(*See Revision p. 1219, § 40.*)

Mr. Corbin—That, sir, is my view of it. If this law which I have read doesn't require the payment of the money at each quarter, which I understand Mr. Kelsey to say he feels quite confident it does not, then the law which says that the Secretary of State shall receive the money for the use of the State, means for the instant use of the State. In other words, he is merely the hand that receives the gold to put it into the treasury; just as Col. Toffey, when he was Treasurer, or Mr. Gray, or at the present time Mr. Swain, is the instrument of the State to receive the funds and put them into the vault; they are the mere hand of the State; and in these acts the Secretary of State was made the receiving officer to this extent, but the funds the instant they were paid by

the corporations were the funds of the State. Under our system of finance there can be no doubt that there is one proper place for all the funds of the State, and that is the State Treasury.

Chairman Voorhees—Now, right in line of that, section 24 of the Comptroller act (*Revision, 1217*) provides that it shall be the duty of the Comptroller to examine, audit, adjust and settle all the accounts due to the State, and certify the amount adjusted to the State Treasurer. Ought not the Comptroller to have certified and audited first, and then settled the accounts that were due to the State from the Secretary of State?

Mr. Corbin—Yes, and this act which I have read to you relative to fees, and these acts with reference to returns and reports, also say that the Comptroller shall examine these and certify to the Treasurer their correctness, and the Treasurer shall then, within ten days, receive the money. The only examination that I find any evidence of is upon the face of these, or some of them; an entry by the Comptroller, "entered in the Comptroller's book," such a date, signed Comptroller; but anything like an investigation of the details evidently has not been made. The paper has been examined upon its face, but I think nothing like any audit or supervision of this branch of the revenues of the State has been exercised by anybody.

Chairman Voorhees—I have no doubt they have been correctly kept, and the Secretary's method of keeping his books is commendable.

Senator Skirm—Do you mean that you believe it is the duty of the Comptroller to examine the accounts of the Secretary of State?

Chairman Voorhees—Yes, sir.

Mr. Corbin—I look upon the Comptroller's office as one of the most important in the State; he is to take supervision of the finances of the State; he can bring witnesses before him; he sits as a court; he can lay his hand upon a bill and it will never be paid until he takes it off; you cannot sue the State. His powers are great, and I think he can go into every detail of the receipts and disbursements of this government.

Chairman Voorhees—Not only can he, but it is expressly made his duty.

Mr. Corbin—Now, of course we should be reasonable in considering any law; men who are entrusted with the collection of revenues must be trusted; men must be trusted with the disbursements of it.

The law created the office of Comptroller and took it out of the Treasurer's duties and gave it to him for the very purpose of having a man whose eye was constantly on the receipts and disbursements of this State, seeing to it that they were thoroughly cared for, as an owner of a business would do. The Comptroller stands nearer in the position of the proprietor than any other officer. The Secretary of State was formerly the auditor, when the State grew an independent office was set up, and that duty of auditing and supervising, burdensome though it be, is one of the highest duties of the Comptroller; I have no doubt he has exercised it to a very considerable degree. These books of the Secretary of State should have been examined, I think, annually for these past twelve years, and all verified and certified.

I am not now criticising the Comptroller, but an examination was a thing the Comptroller might have made. Here are records, which Mr. Kelsey produces, which were kept right across the hall, and certainly the Comptroller could have put an expert accountant there and examined them from year to year. Now, whether the Comptroller's act should be more explicit, or whether his duties are already sufficiently defined, is a matter for legislation.

Further, the keeping of the State's funds in the way they have been kept, was one of the things which the Comptroller might well have remarked upon, and might have changed if he saw fit.

Senator Ketcham—Did you ask Mr. Kelsey as to the amount of interest he had realized from State funds?

Mr. Corbin—I did not. Mr. Kelsey has said that he cannot trace any of these moneys; that he used them as if they were his own.

Senator Ketcham—We asked a witness the other day who had had interest out of the State's money, how much he had received. Don't you think we ought to try and find it out now?

Q. (By Senator Ketcham)—Don't you think you could inform

the Committee as to how much money has been received by you as interest upon State funds? *A.* I could not.

Q. (By Senator Ketcham)—Have you no way of finding it out? *A.* None at all.

Q. (By Senator Ketcham)—Why, your books are kept in such excellent style, it seems to me they could be examined? *A.* Yes, but when this money comes to me it becomes part of my personal account, and I couldn't begin to tell.

Q. (By Senator Ketcham)—We all have personal accounts, and know how much it costs us to live, and can strike a fair average and then take the balance? *A.* I don't know how much it costs me to live.

Q. (By Senator Ketcham)—I think if I had money from the State, as interest upon its funds, I would want to find out how much I owed the State; I would feel uncomfortable until I did know. *A.* I can't tell how much I received by way of interest at all.

Q. (By Senator Ketcham)—These are unpleasant questions, but I think we ought to do our duty; they are unpleasant to ask, as they are unpleasant to you to answer, but I think the Committee ought to know, and if there is any answer to be had they should have it. *A.* Very, very difficult indeed, because, as I have stated, it becomes the money—once paid into my hands goes into my personal account. If I should take and strike a balance between it as to my investments during the last fifteen years, I am afraid the balance would be on the wrong side, then I would bring the State in debt, I am very apprehensive.

Q. When you borrow money from the bank do they let you have it without interest, if you don't make anything out of it? *A.* No; I never found that kind of banks.

Q. Then you can hardly expect the State to be as liberal as that with you? *A.* No; jesting aside, I have kept no separate account; I have no way of ascertaining whether I have lost money or made money.

Q. (By Senator Ketcham)—You say you have a business and made investments; you are a wise and careful and competent business man. It does seem to me, and I think it appears to the Committee, that your having received the benefit from these funds, call it interest or whatever you may please to call it, you should know something and could tell something as to what profit or benefit you have received from these funds? *A.* Absolutely impossible to answer that question.

Recess.

Q. Were any of the statements which you filed with the Comptroller or Treasurer ever challenged or questioned by them as to the time of filing, or the amount or the method of your procedure? A. Never.

Q. They never made any question about it? A. Never.

Senator Skirm—I would like to ask right there, who were the Comptrollers during the term.

Mr. Corbin—I think Mr. Kelsey took his office in 1870.

Witness—Beginning in 1870.

Q. But the returns to the State commenced in 1879?

Senator Skirm—Who was the Comptroller at that time?

Mr. Corbin—Mr. Stockton, I think, and after Mr. Stockton, Major Anderson, and after Major Anderson, Col. Heppenheimer, and after him, the present Comptroller, Mr. Hancock.

A. There was never a question raised of my method or form or anything else except that in regard to the fees, in the Prerogative Court of the Register. After the passage of the act of 1891, Comptroller Heppenheimer thought they ought not to be retained on the ground that it might be held by the court to be an increase of my compensation during the running of my then term, and I credited them according to that suggestion although I didn't agree with the contention.

Q. And you took those Prerogative fees only after the beginning of your new term in 1892? A. No, sir; the next two quarters I retained them and that showed in the following statement and there was no question raised.

Q. Did you say "retained" them or "returned" them? A. The last two quarters of my term then running I retained them; the next two quarters after the act was passed he challenged it and we had some discussion about it and I waived it.

Q. Well, after that and from thence until the present time you have retained those fees coming from the Prerogative Court, have you not, to your own use? A. Yes, sir.

Q. Have you made any return to the State from 1891 to the present time of the amount of those fees? A. I have not.

Q. You observe that those fees, even though they are fees to be retained to your own use, would come under this very provision of the law which requires the clerks to return a statement of the gross amount received. A. I suppose it is.

Q. But you have not filed a statement of those fees? A. I never have; the thing never occurred to me.

Q. The act of 1891 refers, I think, to the fees of the Register in the Prerogative office ; I will read it ; page 511 of the laws of that year, " For all official services as Register of the Prerogative Court he shall be entitled to charge and receive the same fees as are now allowed by law to the Surrogates of the several counties." You also received some fees, did you not, as clerk of the Prerogative Court? A. I can't say about that.

Q. Do you not draw any distinction between the two offices? A. Do not draw any distinction ; never have.

Q. I see the statute mentions both the clerk of the Prerogative Court and the Register of the Prerogative office, and since 1891 you have retained the fees, whether received as clerk or as Register? A. Yes, sir.

Q. Haven't made any return to the Comptroller of either? A. Yes, sir ; that is my understanding and recollection. No, no return.

Q. Is the amount of those fees set down in those books that you produced this morning? A. Yes, sir.

Q. Beginning at 1892? A. July 1893, to December 1894.

Q. At what date did you begin to retain these fees to your own use? A. From the last quarter of 1891.

Q. Beginning October 1st, 1891? A. Yes, sir.

Q. Those fees then are all entered under the head of " Register " are they not, in these cash books? A. Yes, sir.

Q. Well, for example, the month of October, 1891? A. I think it begun in September ; from September, yes, sir. The month of September, 1891, was the first. The fees for that month, \$35.89 ; for October, \$373.68 ; November, \$145.44 ; December, \$340.87 ; January 1892, \$251.74 ; February, \$814.19 ; March, \$654.76 ; April, \$50.42 ; May, \$80.32 ; June, 502.90 ; July, \$136.14 ; August, \$47.66 ; September, \$628.26 ; October, \$170.78 ; November, \$128.86 ; December, \$439.02 ; January, 1893, \$137.27 ; February, \$235.92 ; March, \$239.92 ; April, \$201 ; May, \$252.14 ; June, \$139.60 ; July, \$223.23 ; August, \$121.26 ; September, \$27.09 ; October, \$428.57 ; November, \$327.67 ; December, \$209.63 ; January, 1894, \$612.65 ; February, \$466.80 ; March, \$798.47 ; April, \$339.63 ; May, \$75.25 ; June, \$384.30 ; July, \$166.25 ; August, \$51.24 ; September, \$104.50 ; October, \$179.66 ; November, \$152.62 ; December, \$121.92 ; January, 1895, \$855.38 ; February, \$335.25 ; March, \$170.39 ; April, \$587.18.

Q. In 1889, did you cause a list of corporations to be compiled and printed, as required by the statute of that year? A. I did ; yes, sir ; that is my recollection.

Q. And was the first edition of that book published that year?

A. Yes, sir.

Q. Then the year following, that is, the year 1890, a supplemental edition was published according to the law, was it not?

A. Every year; yes, sir.

Q. Covering such certificates as had been filed after the first publication? A. Yes, sir.

Q. And so in 1891, again? A. Yes, sir; I believe so.

Q. In 1891 the whole thing was compiled into this new book again? A. Compiled because of a great many changes.

Q. And this publication which I show you entitled, "Corporations of New Jersey; List of Certificates filed in the Department of State from 1846 to 1891, inclusive, Compiled by the Secretary of State;" imprint, "Trenton, N. J., Naar, Day & Naar, 1892," that is the compilation as perfected up to that time? A. Yes, sir; up to that date.

Q. And since that, annually supplemental ones have been printed? A. Yes, sir.

Q. In 1893 and 1894? A. Yes, sir.

Q. And these books which I show you are the books? A. Yes, sir.

Q. The statute to which I called your attention provided that the cost of this compilation and printing should be by you deducted from the fees which you received? A. Paid from the fees; yes, sir; I didn't at first construe it to be deducted.

Q. In these returns which you have made I see no mention of the printing in 1889 and 1890; how was it done then and how were the vouchers paid? A. That I can't say; my first recollection—done under that act—in regard to payment was, that I certified the matter to the Comptroller, supposing he would pay it from the fund; he held that under the act I would be required to pay it and deduct it from the taxes received from corporations, and that is the way the act reads.

Q. Well, now, in the years 1889 and 1890, in your return to the Comptroller, I find no mention of the cost of the printing; how was it accomplished? A. I really can't say; I don't recall it; my impression is, and would have been, that it was so paid every year.

Q. The first printing bill I find returned is Naar, Day & Naar's bill of July, 1891, to printing 1,000 pamphlets, list of corporations, 210 pages, and 1,000 copies pamphlet for 1890; can it be that this possibly referred back to 1890 and 1889, although it is dated in 1891? A. This is the bill of 1891, printing 1,000 lists of corporations; here it refers to the year 1890.

Q. But the principal, large charge is that to the original compilation of 1889. A. No, I would say—because the date of the charge is June 25th, I would say it was for the year 1891; that is my impression; here are two issues, June 25th, printing 1,000 copies list of corporations, \$1,777, and July 15th, printing 1,000 copies pamphlets list of corporations for the year 1890.

Q. That must have been a supplemental list, small number of pages? A. Yes, sir.

Q. Does that principal charge then refer to the 1890 publication, do you think? A. No; I really can't say.

Q. Your recollection is that they were all paid for in this way and the vouchers returned with your return? A. That was my intention; that is my impression.

Mr. Corbin—This is the bill annexed to Mr. Kelsey's return of the year 1891 as a voucher, to which I called attention in passing. "Printing 1,000 pamphlets of list of corporations 210 pages, \$1,777.47; 1,000 of two additional pages for insertion, \$17.50; printing 1,000 pamphlets list of corporations for the year 1890, 58 pages, \$526.80; total \$2,321.77, receipted by Naar, Day & Naar, July 20th, 1891.

Q. (By Chairman Voorhees)—When was the first compilation published, do you recall? A. My impression is it was 1889.

Q. (By Chairman Voorhees)—Did you prepare it during the year in which the act was passed? A. I think it was 1889; Mr. Corbin's recollection is, doubtless, correct.

Mr. Corbin—The act was passed April 3d, 1889. The first edition was printed in that year. Here is a supplemental edition of 1890.

Witness.—It is in the Laws of 1889, page 160.

Q. In the year 1892 with your return there is appended a bill of Naar, Day & Naar for \$4,685.58 for printing and binding 2,000 copies of the corporation laws, 1846 to 1891; that referred to this second edition which I showed you, did it not? A. I think not.

Q. I think that must have been it; the imprint is 1892 and the bill 1892. A. Yes, sir; that is it; that is right.

Compilation offered in evidence and marked "Exhibit No. 291."

Q. It is a volume of 294 pages? A. That is the one.

Q. In the year 1893 with your return is a bill of Naar, Day & Naar for \$1,064.45 for printing 2,000 copies list of corporation certificates, 68 pages; that is this thinner book, this supplemental one, is it not? A. This is the annual list; this was issued in 1893.

Offered in evidence and marked "Exhibit 292."

Q. And with that bill of 1894 is a bill of Naar, Day & Naar for \$951.86 for printing 850 copies of the list of corporations, 59 pages, together with bills for other small items, making a total of \$1,084.36? A. That is the one of 1893; yes, sir.

Offered in evidence and marked "Exhibit 293."

Q. These disbursements from the State's funds in your hands were made, as I understand, under this act of the Legislature, 1889, requiring you to compile and publish this list? A. Yes, sir.

Q. I notice that you also made certain other disbursements from the funds in your hands, which you charged partly to the Corporation account and partly to Insurance account. I show you your return of the year 1889. I find charged to expense under this supplement of April 3d, 1889, which is the act for the compilation of this book, \$950, and the vouchers here are \$250 for services by Thomas K. Johnston. Who was Mr. Johnston? A. He was the chief clerk in the office at the time when I acted as Commissioner of Insurance.

Q. \$500 and \$200, making \$700, for R. S. Stockton; he was employed in compiling the work, was he? A. That is my recollection; yes, sir.

Q. From the insurance moneys that year, there is deducted, I see, \$1,227, of which \$1,125 is a receipt from A. H. Rickey, for services in the Department of State under the Insurance act; that was the Assistant Secretary of State? A. Not at that time. What is the date of that?

Q. September, 1889? A. Mr. Rickey is at present Assistant Secretary of State, but not at that time, I think, although I am not quite sure about that.

Q. Mr. Rickey was a clerk in your office at that time? A. Yes, sir. That is stated incorrectly; Mr. Rickey was the chief clerk, and Johnston was a clerk; J. D. Hall was the then Assistant Secretary of State.

Q. I show you the return of 1890. In that there is deducted from the corporation moneys \$700, of which \$250 is to Thomas K. Johnston. He was still a clerk in your office, I suppose. A. Yes, sir.

Q. And \$200 to G. B. Dunning; was he a clerk there? A. Yes, sir.

Q. And \$250 to R. S. Stockton, and he was still employed specially in that service, was he? A. Yes, sir.

Q. Also from the insurance moneys of that year, \$1,848; of which \$1,125 was to Thomas K. Johnston; \$109.50 to W. P.

Wells; \$425 to A. H. Rickey; they were clerks there at that time? A. Yes, sir.

Q. I show you, also, the return of 1891, which shows a deduction from the corporation moneys of \$3,333.77, with vouchers attached showing \$92 to Mr. G. B. Dunning; \$200 to S. M. Dickinson. He assisted in the compilation, did he not? A. I think Mr. Dickinson's work was in the compilation of the laws.

Q. And John W. Brooke, \$720; he was a clerk in your office and still is? A. He is now; yes, sir.

Q. Also from the insurance money there is deducted for expenses, under the act of April 4th, 1889, \$1,600, of which \$1,250 is to Thomas K. Johnston; \$300 to W. P. Wells; they were clerks at the office, were they not? A. Yes, sir; Wells was not regularly employed.

Q. Not regularly employed? A. No.

Q. But specially on these services? A. Yes, sir.

Q. I show you the return of 1892, in which there is deducted from the corporation moneys \$7,260.58, and with vouchers attached for \$1,000 from John W. Brooke for services; \$855 from W. P. Wells and \$720 from W. H. Rea; they were clerks, also? A. Yes, sir.

Q. I show you also, a return of 1893, in which there is deducted from the corporation moneys \$4,409.45, with vouchers attached showing payment for services to Mary Sidney Gottschalk, \$150; M. A. Mitchell, \$150; William H. Knowles, \$240; G. B. Dunning, \$450; W. P. Wells, \$625; John W. Brooke, \$1,180; S. M. Dickinson, \$200. With the exception of Col. Dickinson those were clerks in the office, were they not? A. Yes, sir.

Q. Col. Dickinson gave special services? A. Special services, yes, sir; two of those were not regularly employed in the office.

Q. Which two? A. Knowles, particularly, and Wells.

Q. The bill of Col. Dickinson appears to be for services preparing edition of corporation acts for printing, making index and superintending the printing, \$200. Lastly, your return of 1894. There is deducted from the corporation moneys \$4,234.36, with vouchers attached for \$600 by M. A. Mitchell, for services rendered; \$750, by W. H. Rea; \$500, by G. B. Dunning; \$1,200, by John W. Brooke. Those were clerks in the office? A. Yes, sir.

Q. And \$100 by William S. Potter for services, corporation acts. He was employed in the same service? A. Yes, sir; not regular clerk.

Q. Of the part of these amounts which are deducted from the moneys received from corporations and from insurance, the por-

tion paid out for clerical services is as shown in these vouchers: In 1889, \$2,075; in 1890, \$2,359.50; in 1891, \$2,562; in 1892, \$2,575; in 1893, \$3,145; in 1894, \$3,150. Take this one of 1894, this supplemental pamphlet of 59 pages; the act provides for your retaining money necessary to compile that list? A. Yes, sir.

Q. And under the other act to which I called your attention, the foreign corporation act of 1894, you retained, also, a sufficient amount to carry out that act; those two acts seem to be only ones up to 1894 permitting the retention of part of the State moneys. Was it necessary to expend \$3,150 in compiling this little pamphlet and the getting in of the foreign corporations? A. The act doesn't apply to that, Mr. Corbin.

Q. The foreign corporation act of 1894 provides for the filing of certificates of the foreign corporations here before they shall do business, and charges the Secretary of State with the duty of filing them and issuing a certificate to those who shall present them. Now how many foreign corporations have come in since that act was passed, a year ago? A. 178.

Q. Up to October 31 of last year how many? A. 122.

Q. Well, then, the extra services for which you can retain money from the State's funds were first, the compilation of the list, under the act of 1889, and second, the issuing of the 122 certificates, under the act of 1894, and I suppose you also had to inform yourself with regard to the rules of other States governing New Jersey corporations? A. Yes, sir; I had to.

Q. How was \$3,150 expended in those matters? A. The act, Mr. Corbin, does not refer alone to this work; the act provides that the expense incurred in carrying out the provisions of this act shall be paid by the Secretary of State from the moneys collected under this act and the supplements thereto.

Q. Which section is that? A. Section 2; it seems to apply to that work.

Q. The act which you have just referred to is the supplement of April 3, 1889. "It shall be the duty of the Secretary of State to compile and publish in pamphlet form during the present year from the records of his department, a complete list," etc, "and annually thereafter to compile and publish a complete list of those organized during the preceding year. The expense of carrying out the provisions of this act shall be paid by the Secretary of State from moneys collected under this act." Well, that seems to be rather narrow. I see, Mr. Kelsey, your returns however, explicitly say that the moneys were paid for carrying

out that act of April 3, 1889, and the act of 1894. A. I think it is for services under the corporation act.

Q. No, I have read it just as it is by your return; I will show it to you. A. That is what I say; the returns.

Q. "Less expenses paid under the supplement approved April 3, 1889, and the act of May 15, 1894;" it limits it to those, and I think, properly so? A. Well, I can only say that the clerical work paid for there was not employed wholly on revision of those lists, but upon the corporation work generally in the office.

Q. These vouchers which have been put in by the clerks of your office of which there are some 6 or 7 here in each year, are they their full salary or a portion of their salary; for instance, Miss Mitchell, \$600; isn't that her full salary? A. Yes, sir; she was entirely upon that work.

Q. That is, entirely upon the corporation work? A. Entirely upon the corporation work.

Q. And the next, Mr. Rea, \$750, is that not his full salary? A. Yes, sir.

Q. He attends to the maps and such things, does he not? A. Yes, sir.

Q. And Mr. G. B. Dunning, \$500; that is all or a portion of his salary? A. Only a portion.

Q. How much is his salary? A. \$1,440 now.

Q. John W. Brooke, \$1,200? A. He is corporation clerk.

Q. That is his full salary? A. At that time; yes.

Q. And William S. Potter \$100; I suppose services obtained outside of the office? A. Yes, sir.

Q. Then while your return limits the expense to the work under these little supplements to which I have called your attention, these clerks are engaged generally upon corporation work? A. Yes, sir.

Q. And part of their time, perhaps, some of them on the other work in the office? A. Yes, sir.

Q. I show you the return of 1893, in which \$3,145 was paid for services in that department; Gottschalk, \$150; I assume that was part of her pay only? A. Yes, sir.

Q. Miss Mitchell, \$150; that was part of hers? A. Yes, sir.

Q. William H. Knowles, \$150; this says "for full payment for services rendered." Was that all he was paid? A. I think that is all he did; possibly he may have done some other work in the office—his services for that class of work.

Q. William H. Rea, \$240; that was part? A. Yes, sir.

Q. G. B. Dunning, \$450; that was part of his? A. Yes, sir.

Q. W. P. Wells, \$625? A. Yes, sir.

Q. Mr. Wells isn't living? *A.* No, sir; that was the year the general compilation of the corporation certificates was made, and it was very expensive work.

Q. Was that his full compensation? *A.* I think so; he did other work in the office.

Q. And John W. Brooke, \$1,180; was that his full compensation that year? *A.* I think so.

Q. And \$200 to S. M. Dickinson, special work in the same line; he was specially employed? *A.* Yes, sir.

Q. I see the law which I read this morning provides that these clerks shall be paid monthly; are they so paid? *A.* Yes, sir.

Q. How do you pay them, by check? *A.* Sometimes, and sometimes in money; pay altogether in money now.

Q. These figures put together, with the allowance for clerical services, are as follows—your clerical allowance being \$4,000 per year, and, by the way, you draw that entire allowance, do you not? *A.* Yes, sir.

Q. In 1889 the allowance and the extra retention of which I have spoken, \$6,075; in 1890, \$6,359.50; in 1891, \$6,562; 1892, \$6,575; in 1893, \$7,145, and in 1894, \$7,150. Now, those are the total amounts which you have received either by this deduction from State funds for clerical services or by the \$4,000 allowance for clerical services in your office. Is it not true that the entire clerical services in your office amounts to a considerable less sum than those amounts per year? *A.* It amounts to—

Q. Take the year 1894? *A.* \$7,560, besides extra work done outside.

Q. What year is that? *A.* 1894.

Q. Have you the items of that? *A.* That is the monthly pay-roll as it has been running for some time; I am not positive whether it run entirely through 1894 or not, but that is the amount now.

Q. I noticed in the check book which you opened this morning a number of payments to these clerks, apparently monthly; will they not show the payments made in 1894? *A.* April 30 the pay-roll was \$630.

Q. Will this check book show them from month to month? *A.* Yes, sir.

Q. Have you any pay-roll which shows the amount? *A.* No, sir.

Q. This check book is the only record, is it not? *A.* Yes, sir.

Q. Well, take, if you please, the year ending September 30, 1894, which was the year for which your last return was made;

can we see there by the check book what the pay-roll amounted to that year? A. \$470 in November.

Q. Go back to September, please; take September, 1894, and go from that back? A. \$465.

Q. Will you kindly let me see it; I would like to get familiar with the way it is entered. A. September doesn't seem to be here; August 31, pay-roll, \$465; September 29, same amount.

Q. Is it always paid in that way, with a check to the order of pay-roll? A. It is in these times, and has been for some time past.

Q. I saw this morning in going over it there seemed to be checks here—there, for instance, is Mr. Rea? A. Formerly we paid checks direct; I don't know what that was for.

Q. "Pay-roll," what is that for? A. That was extra compensation to Rea.

Q. Do all the checks for pay-rolls refer to pay-rolls at the State House? A. Yes, sir.

Q. No other pay-rolls in it? A. No, sir.

Q. Is there any record of how the amount of \$465 is made up? A. No record, no.

Q. It is the aggregate amount of the salaries paid? A. Yes, sir.

Q. In September it was how much? A. \$465.

Q. And in August? A. \$495.

Q. And July? A. \$465.

Q. I see the check is drawn to the order of "Bank;" that is cash, I suppose? A. Yes, sir.

Q. July 30th, \$465, that is the same thing? A. Yes, sir; June the same; May the same; April the same; March, \$510.

Q. Are there no individual checks there; it is just a general check, is it? A. The same thing; yes, sir.

Q. February? A. I don't see any check unless the check for \$600.

Q. That is a check to "self" is it not? A. Yes; there isn't anything at all in February; I don't think that is it.

Q. It probably was as high as the other; you think? A. Yes, I presume so, but I don't know why it isn't here.

Q. Is January there? A. January there were separate checks.

Q. To each employe? A. Individual checks; yes, sir; beginning with check 6,051, John W. Brooke, \$100; G. B. Dunning, \$100; Gottschalk, \$50; Miss Mitchell, \$50; W. H. Rea, \$60; P. J. Anderson, \$50.

Q. Was he a regular employe? A. Yes, sir.

Q. And what is this one, E. T. Malloy, \$40? *A.* Yes, sir; \$450.

Q. Have you the previous month, December, there? *A.* I have not.

Q. Neither individual nor total? *A.* No.

Q. I suppose the employees were about the same? *A.* I think so.

Q. Have you November? *A.* Yes, sir.

Q. What is it for that month; is it in separate amounts?
A. Separate checks; yes, sir; Malloy, \$40; Dunning, \$100; Brooke, \$100; Anderson, \$50; Rea, \$60; Gottschalk, \$50; Mitchell, \$50—\$450; \$200 to Dickinson under corporation act; on November 1st, extra payment to Dunning on account of the corporation act.

Q. October, please? *A.* \$200 to Dunning.

Q. Was that something outside of the regular salary? *A.* Yes, sir; that don't seem to be there at all. October, I have here (Sussex Bank book) Mallow, \$40; Dunning, \$100; Brooke, \$100; Anderson, \$50; Rea, \$60; Mitchell, \$50; Gottschalk, \$50—\$450. Then I also have here the December, 1893, account which was missing from the other book: Dunning, \$100; Brooke, \$100; Rea, \$60; Gottschalk, \$50; Mitchell, \$50; Anderson, \$50; Malloy, \$40.

Q. Those seem to total up \$5,795; is that all of them that you have there? *A.* That is all the regular pay; there were some special items I had there.

Q. Those I have in, I think. *A.* No, some vouchers there of Knowles you haven't referred to.

Q. You observe the way I have got at it; I have simply put the amount which was retained by you from the State money with the \$4,000, making up \$7,150. Now you have given me the payments here, and in addition to what you have given me, you say Knowles' payment should be in? *A.* I don't see that; does it appear that year?

Q. That is the point exactly; I will see if it appears that year—there should be \$100 added to that for Potter; that makes \$5,895; there seems to be a discrepancy of \$1,255; that is, the amount that you have received for clerk hire, is \$7,150, and the amount apparently paid is \$5,895. Oughtn't these figures to balance? *A.* I think so, that is the year ending—

Q. Ending last September 30th—well, we might take the year ending September 30th, the year before, that would be beginning September, 1893; is the check book there; is Mr. Rickey any

more familiar with it; could he assist us? *A.* I don't know that he could.

Q. Will you kindly give us October, 1892? *A.* LaBarre, \$90; Brooke, \$80; Wells, \$65; Rea, \$60; Gottschalk, \$45; Mitchell, \$40—\$380.

Q. November? *A.* LaBarre, \$90; Brooke, \$80; Wells, \$67.50; Rea, \$60; Gottschalk, \$45; Mitchell, \$40—\$382.50.

Q. December? *A.* LaBarre, \$90; Brooke, \$120; Rea, \$60; Wells, \$162; Gottschalk, \$45; Mitchell, \$40; Knowles, \$60—\$580.

Q. January, 1893? *A.* LaBarre, \$90; Brooke, \$90; Wells, \$65; Rea, \$60; Gottschalk, \$50; Mitchell, \$40; Knowles, \$90—\$485.

Q. February? *A.* Brooke, \$110; Wells, \$65; LaBarre, \$90; Rea, \$60; Dunning, \$90; Gottschalk, \$50; Mitchell, \$40—\$505.

Q. March, 1893? *A.* LaBarre, \$90; Rea, \$60; Brooke, \$100; Gottschalk, \$50; Mitchell, \$40; Dunning, \$90—\$430.

Q. April? *A.* LaBarre, \$90; Dunning, \$90; Brooke, \$100; Rea, \$60; Gottschalk, \$50; Mitchell, \$40—\$430.

Q. May? *A.* LaBarre, \$90; Dunning, \$90; Brooke, \$100; Rea, \$60; Gottschalk, \$50; Mitchell, \$40—\$430.

Q. June? *A.* LaBarre, \$53.33; Brooke, \$100; Rea, \$60; Dunning, \$90; Gottschalk, \$50; Mitchell, \$40; Malloy, \$40—\$433.33.

Q. July? *A.* Wells, \$100; Malloy, \$40; Dunning, \$100; Brooke, \$100; Anderson, \$50; Rea, \$60; Mitchell, \$50; Gottschalk, \$100—\$600.

Q. August? *A.* Mitchell, \$50; Dunning, \$100; Brooke, \$100; Anderson, \$50; Rea, \$60—\$360.

Q. September? *A.* Malloy, \$40; Brooke, \$100; Anderson, \$50; Rea, \$60; Gottschalk, \$50; Mitchell, \$50; Dunning, \$100—\$450. \$5,465.83.

Q. Will you kindly go back one year more, October, 1891? *A.* LaBarre, \$80; Brooke, \$80; Mitchell, \$35; Phillips, \$55; Mitchell, \$80.40; Wells, \$50—\$380.40.

Q. November? *A.* Brooke, \$80; LaBarre, \$80; Mitchell, \$35; Phillips, \$55; Wells, \$62.50; Rea, \$56—\$368.50.

Q. December? *A.* LaBarre, \$80; Brooke, \$80; Wells, \$62.50; Phillips, \$55; Mitchell, \$35; Rea, \$56—\$368.50.

Q. January, 1892? *A.* Brooke, \$40; Brooke, \$80; LaBarre, \$80; Rea, \$56; Wells, \$62.50; Phillips, \$55; Mitchell, \$40—\$413.50.

Q. February? *A.* LaBarre, \$80; Brooke, \$80; Wells, \$62.50; Rea, \$56; Mitchell, \$40; Dillon, \$45—\$363.50.

Q. March? *A.* Dillon, \$50; Brooke, \$80; LaBarre, \$80; Gottschalk, \$45; Mitchell, \$40; Wells, \$65; Rea, \$60—\$420.

Q. April? *A.* Brooke, \$80; Wells, \$65; Rea, \$60; Gottschalk, \$45; Mitchell, \$40; LaBarre, \$90—\$380.

Q. May? *A.* LaBarre, \$90; Brooke, \$80; Wells, \$65; Rea, \$60; Gottschalk, \$45; Mitchell, \$40—\$380.

Q. June? *A.* LaBarre, \$90; Brooke, \$80; Wells, \$65; Wells, \$100; Rea, \$60; Mitchell, \$40; Gottschalk, \$45—\$480.

Q. July? *A.* Brooke, \$80; Wells, \$65; Rea, \$60; Gottschalk, \$45; \$40 (discovered later)—\$290.

Q. August? *A.* Brooke, \$80; Wells, \$65; Rea, \$45; Gottschalk, \$45; Mitchell, \$40—\$290.

Q. September? *A.* LaBarre, \$90; Brooke, \$80; Wells, \$65; Rea, \$60; Gottschalk, \$45; Mitchell, \$40—\$380—\$4,514.40.

Q. Go back to the month of October, 1890, and commence.
A. October, 1891—Johnston, \$125; Dunning, \$80; Phillips, \$50; Mitchell, \$30—\$285.

Q. November? *A.* The payments for November are not entered in this check-book; presumably they are in the Sussex book, and I haven't that book here.

Q. Presumably they are the same as the payments in October.

Q. December? *A.* Johnston, \$125; Dunning, \$92; Hall, \$80; Phillips, \$50; Mitchell, \$30—\$377.

Q. January, 1891? *A.* Johnston, \$125; Brooke, \$80; Phillips, \$55; Mitchell, \$35; Wells, \$70—\$365.

Q. February? *A.* Johnston, \$125; Brooke, \$80; Phillips, \$55; Mitchell, \$35; Wells, \$70—\$365 (added after) \$80—\$250—\$695.

Q. March? *A.* Johnston, \$625; Wells, \$160; Brooke, \$80; Phillips, \$55; Mitchell, \$35—\$955 (added later) \$300.

Q. April? *A.* Brooke, \$80; Mitchell, \$35; Phillips, \$55; LaBarre, \$45.33; Wells, \$80; Hall, \$80. This is not an accurate way to take these accounts, because payments were made in the month at random; that of Hall I just ran counter of for the month of April; I employed him a while—\$375.33; John Yard, \$300, paid on the 10th of March; then again on the 11th of March, J. D. Hall, \$80, in February.

Q. In March you paid Mr. Yard something that you have not included? *A.* On the 10th of March, Yard, in full, \$300; February 17th, I paid Yard \$250.

Q. (By Chairman Voorhees)—Can you readily turn to the check of \$300 to Mr. Yard? *A.* Yes, sir; 10th of March, \$300.

Q. Refer to check of March 28, 1891, for \$625, to Thomas K. Johnston, for services in insurance department; was that for

extra compensation in that department or for part of a year's salary? *A.* I can't tell.

Q. I see the voucher turned in is for \$1,250; for the year's salary, I suppose, is it not? *A.* I don't know.

Q. The voucher turned in is of the same date, March 28, 1891? *A.* I can't say about that; I don't remember what his salary was, but on the 28th of March I paid him \$625.

Q. This item on the same date is for just double that amount? *A.* I don't understand it; he didn't give me a receipt for one sum and take pay for another.

Q. Do you remember what his annual salary was? *A.* I do not; it is in full for services in the insurance bureau, April 1, 1891; I think that was the date it was transferred to the new office; my impression is, the insurance bureau—

Q. Well, the receipt is for just double the amount received; "March 28, 1891, \$1,250 in full payment, Department of State, Insurance Bureau, from October 1, 1890, to April 31, 1891. Thomas K. Johnston."

Q. (By Chairman Voorhees)—You paid him \$125 for the five months previous. *A.* I knew I had him there a number of times.

Q. (By Chairman Voorhees)—That makes the \$1,250; that accounts for that.

Q. May, 1891? *A.* LaBarre, \$80; Brooke, \$80; Phillips, \$55; Mitchell, \$35; Hall, \$80; LaBarre, \$45—\$375.

Q. June? *A.* Phillips, \$55; LaBarre, \$80; Mitchell, \$35; Brooke, \$80—\$250.

Q. July? *A.* LaBarre, \$80; Brooke, \$80; Phillips, \$55; Mitchell, \$35—\$250.

Q. August? *A.* LaBarre, \$80; Brooke, \$80; Mitchell, \$35; Phillips, \$55—\$250.

Q. September? *A.* Dickinson, \$200; LaBarre, \$80; Brooke, \$80; Mitchell, \$35; Phillips, \$55—\$450—\$5,212.33.

Q. I see you have come across two checks to Major Yard; were those for services in connection with the corporations or insurance? *A.* General services in the office.

Q. Not connected with one of those two departments? *A.* He was particularly at work on the banking work.

Q. But not specially assigned to either one of those two departments? *A.* To do anything that came along; his particular work was in connection with the banks and savings banks, but he had no special assignment.

Q. October, 1889? I haven't those vouchers in this book; the payments from here appear to have been drawn upon another

bank, which is not here; October 16th, 1889, General Stockton, \$500; the payments for November are not in this book; this book begins with November 30th.

Q. Have you December in this book? *A.* No.

Q. January, 1890? *A.* January I have; Johnston, \$125; Mitchell, \$20; Phillips, \$33.33; Dunning, \$44—\$222.33.

Q. February? *A.* Mitchell, \$25; Phillips, \$46.66; Dunning, \$96; Johnston, \$125; Wells, \$34.50; Hall, \$80—\$407.16.

Q. March? *A.* Dunning, \$104; Wells, \$65; Phillips, \$45; Mitchell, \$25; Johnston, \$125; Hall, \$80—\$444.

Q. April? *A.* Dunning, \$104; Phillips, \$45; Mitchell, \$25; Johnston, \$125; Hall, \$80—\$379.

Q. May? *A.* Johnston, \$125; Dunning, \$80; Phillips, \$50; Mitchell, \$30; Hall, \$30—\$365.

Q. June? *A.* Dunning, \$80—\$80; now, there again it shows how utterly unreliable it is to take this account this way, and I think, Senator, I ought not to be submitted to this sort of examination; I see from a check I have given here just about about that time—one was to Dunning on the 23d of June, was a check for \$80, June salary; nothing else appears in this book until the July salaries, and the stubs are in Mr. Rickey's handwriting, and my recollection is, I went away about that time; I was gone several weeks, where the June checks are presumably in the Sussex book, and already several months in the last year you know were, and the checks were not always drawn; from the Sussex book I have here I have read several payments for several months; now, all I have of June, 1890, is this payment to Dunning of \$80; none of the others appear here.

Q. (By Chairman Voorhees)—Were those payments probably made by Mr. Rickey on the Sussex Bank, by checks on the Sussex Bank? *A.* This stub is in his handwriting, and the footing is in the handwriting of Johnston: it may have been; it may not; I have nothing to say about that; the practice has been when I am going away for a time, to fill up checks and sign them; that, I presume, was the case with these checks dated June 30th, July 31st; two checks dated the latter part of June—then there are a number of checks, all the stubs in Mr. Rickey's handwriting, for July and August. I went to Europe that year and left the checks, I presume, signed in this book. That has been my practice over and over again. July and August the checks are here, and then after this I find July 2d paid Dunning \$100 and Col. Yard \$200, then there is nothing in my hand until the 8th of September. No record I can give you from this book is reliable, and I submit, Mr. Chairman, that the record taken up in this way

ought not to be done. You ask me to bring stubs of my check books; I bring them of the Mechanics' Bank, and the current of the Sussex Bank; and then you ask for matters utterly unexpected, and you ask me to go over this book and give you payments on the salary account. Here, as I have just stated, are two payments out of the usual order, on account; one is Dunning, \$100, and one to Yard of \$200; the next check, preceding that to Dunning, was July 2; the next preceding that was June 23, to Dunning, and then there are checks filled in for July and August, stubs written by Mr. Rickey, and I have no doubt whatever that he filled up the checks and I signed them before I went away, in July; that I have done before and done since; that appears to have been the case here. Now, then, you ask me—and that is the way the payments to Gen. Stockton and Gen. Yard, to Mr. Dunning and Mr. Brooke, and others, a payment somewhere about \$300 or \$400, which we have not found. I submit, Mr. Chairman, it isn't a fair or proper way to get at this information.

Q. We were not aware, until you brought your books here, how you kept them at all: I wasn't aware that this was in your check book; I supposed you had a pay-roll; something that would show this all at a glance: it has only developed here on the stand.

Q. (By Chairman Voorhees)—Who drew the checks for the pay-roll during July and August, while you were in Europe?

A. Checks were drawn before I started, for the pay-roll, and signed by me.

Q. (By Chairman Voorhees)—Wouldn't the stubs of those checks appear in your book? *A.* They are here, but you are inquiring now about the June checks; the only check I have of the June pay-roll is one to Dunning.

Q. (By Chairman Voorhees)—And the others are probably on the Sussex Bank? *A.* I presume they are drawn on the Sussex Bank.

Q. Is that bank book not here? *A.* It is not here.

Q. Is it in the office, so that we can get it? *A.* Yes, sir.

Q. Can you send and get it, so that we can go right on and end this in a few minutes? *A.* Do you propose to take this haphazard way to get at this information?

Q. Do you know of any more direct or any better way? *A.* Yes, sir; it would be decidedly better to allow me to go over these books and make a schedule of these payments here, and run right over and turn to the end of the month, and I am in the habit of making the payments from the beginning of the succeed-

ing month, sometimes one case and sometimes the other; I run right over, and have repeatedly, and the chairman has been obliged to include some in months that have been passed.

Q. We have now completed the four years, 1891, 1892, 1893 and 1894; there were only two other years I wanted to examine, that is 1889 and 1890, and for those, it seems, the books are not here; of course it would be well to verify these figures by such a statement as you suggest; I think if we had the other check book, probably in fifteen or twenty minutes we could finish it, and then it could be verified by your clerk or somebody. A. Then you think that is a fair method of examination, to go over a matter in this haphazard way and find a discrepancy, and let it go to the public in that way and upon this record, and then let me come in—

Q. Not at all; I had no idea how you had your record kept. I have asked these questions of you; not of anybody else, and with your own books in your hands. A. I understand, but if I should look over every page here and every leaf here it would occupy a very great deal of time; that I haven't had an opportunity to do, and as the Chairman knows, he has taken down three or four or five items here which he has discovered after I gave him the month.

Q. I quite understand that errors are possible, of course, in going over it, but I see no other possible way to get at it than to go over this record, if this is, as you say, the only record, we have got to do it some time, but of course if we had a schedule made up, it would be quicker; I presumed we would find it all recorded somewhere, but it seems it is not.

Senator Daly—Can't Mr. Kelsey have an opportunity to do that?

Mr. Corbin—Undoubtedly this can all be verified.

Witness—I can give you these checks for July and August as they stand recorded here, but for June, you see, I can only refer you to the check of Mr. Dunning, drawn on the 23d of June.

Q. (By Chairman Voorhees)—That is a single check of \$80?
A. Yes, sir.

Q. And the other book doubtless contains more, I suppose?

Q. (By Chairman Voorhees)—Here is the month of October with the exception of a single payment to Gen. Stockton of \$500, and the months of November and December. A. It has been my practice more particularly in those early days to draw checks part of the time on the Sussex bank; I always kept an account, and do now.

Q. We are through with the period we wanted to examine except about 18 months—about half of 1890 and 1889; I should think we could finish in a very short time, and if Mr. Rickey would take them from your hand and go over them behind you, it would be a check upon it.

Senator Skirm—I understood Mr. Kelsey to say that possibly the checks might have been drawn on the Sussex bank.

Mr. Corbin—The Sussex book is in his office.

Senator Skirm—Then it wouldn't take very long, it would only take a very few minutes to finish this matter.

Chairman Voorhees—He claims it is unsatisfactory, because there are payments that occur between the beginning and the end of the month which he is apt to overlook in this hurried examination.

Witness—I have already discovered checks out of the regular order here, for which there are vouchers there, in giving this list of checks to the Chairman and the stenographer, and then been obliged in two or three cases to turn back and enter the checks, which I find paid in the middle of the month; to General Stockton in one case, and to others; there are different cases; now, it isn't the way to take this account.

Q. We want an accurate statement of it, of course.

Senator Daly—This covers some period of time, and as he made these other mistakes, or omitted them, he might pass them again; he had better have the opportunity by all means.

Senator Ketcham—Why not let this go to our next meeting?

Chairman Voorhees—There is no disposition to take any unfair advantage of you; I can very readily see how in your hurried examination you might run over checks that ought to be credited on this account.

Senator Daly—The Secretary of State had no knowledge to what extent the investigation was going nor what shape it was going to assume, and this hasty examination isn't at all satisfactory, but as I understand him, he desires an opportunity to make a statement.

Witness—I want to examine these books deliberately; I am perfectly willing, of course; the inquiry may or may not be legitimate, but certainly it isn't a proper way to make it.

Mr. Corbin—Sufficient opportunity, of course, should be given; there is no doubt about that, but the method of examination is forced upon us by the method of keeping the books as we find them, in this way; I didn't anticipate what was the habit in respect to that.

Senator Ketcham—Shouldn't all these checks have been paid by the Comptroller and Treasurer in the usual way? Why should one department be paid with private checks while other departments are paid with the check of the Treasurer of the State?

Mr. Corbin—It grows out of this different statute to which attention was called this morning; whatever the Committee think is a proper order, of course, will be done.

Witness—Here is a check I find now, October 30, 1891, utterly out of all connection with any other checks, in the Sussex bank book, given to Wells in full for October, \$50, which you haven't got at all; it hasn't any connection whatever; it is only rarely that I give checks on this bank; it hasn't any connection with any other salary services whatever.

Mr. Corbin—I think Mr. Kelsey's suggestion that he be given time to make up a statement is very necessary to make such verification, whatever the course of the Committee is, and if he would do that giving the number and date of the check, the person to whom drawn, then some one on behalf of the Committee can verify it. This is mere clerical work that we are doing now; then we have got it in shape, that is certain. It is quite possible that in going over these in this way here in the midst of some unavoidable confusion, mistakes should be made.

Chairman Voorhees—This method of examination is forced upon you by the method of keeping the accounts.

Witness—It is more than possible—there is evidence that is submitted this minute—you ask me to go over these check books, these stubs, and verify my salary account; my salary account is ordinarily paid as other people's salary accounts, at the end of the month or week, and as you know yourself, three items of pretty large amounts were overlooked and passed by and afterwards discovered and you were obliged to turn back several months and add them up out of the regular order; here is a check paid to Walter Wells on the

Sussex bank without any sort of connection ; now I ask that I have an opportunity to make up a schedule.

Chairman Voorhees—You possibly misunderstood Mr. Corbin ; his suggestion was right in the line of your request.

Witness—He said it might be possible ; it is more than possible ; it is a fact, demonstrated right here.

Chairman Voorhees—Mr. Corbin suggests that you do this, which will facilitate the examination, and if you will examine your check book and vouchers and make up a schedule from which will appear the names of the payee, the date of the check and the amount thereof, together with the number of the check, then it may be readily verified by some one on behalf of the Committee, showing the total amount of the payments made by you during those years on account of salary, and Mr. Corbin says that your request is a reasonable one and he is perfectly willing that that should be done ; that is the sentiment of the Committee, too.

Q. (By Senator Ketcham)—When can that be furnished? A. Indicate what years you desire.

Mr. Corbin—1889 to 1894, inclusive.

Q. (By Chairman Voorhees)—How soon could that be done? A. Shortly.

Q. (By Senator Ketcham)—Within a few days? A. Yes, sir.

Q. If I could have it by next Tuesday—could it be done by Tuesday morning? A. Yes, sir ; I think so.

Chairman Voorhees—Then, without suggesting to you the proper course, you might suspend this line of examination or the Committee might adjourn. Have you something else you would like to take up?

Senator Daly—You have suggested that a member of the Committee act in conjunction with Mr. Kelsey.

Mr. Corbin—If the Senator will allow me—the work to be done is purely clerical accountant's work, and any one person can do it, and any one can easily take the book and refer to it and verify it.

Witness—I will make up the schedule ; there is no difficulty in it.

Adjourned till Friday, May 10th, 1895, at 10 A. M.

TRENTON, May 14th, 1895—10 A. M.

Proceedings resumed.

HENRY C. KELSEY, re-called.

Examined by SENATOR SKIRM.

Q. Mr. Kelsey, in refreshing my mind from the testimony taken last Friday a week upon your construction of the law, I read you the two questions so as to ask you another one :

“ Q. And do you say that you were in doubt about the law requiring you to make returns? A. Yes, sir.

“ Chairman Voorhees—What is the exact language?

“ A. I hold that a strict construction of those three acts, take them together, would not require me to make up the return at all.

“ Q. (By Senator Skirm)—Then, why should there be any return made, if the law don't require it, even once a year, if, then, there was no obligation to make a return? ”

Q. My question now is, What was your construction of the law which permitted you to make your return yearly instead of quarterly—because I presume that while on page 12, in which the law is given that the return should be made quarterly, and your construction of the law was that it didn't require you to make any return quarterly, but yearly—now, what was your construction of the law, so as to make that return? A. In answer to that question, Senator, I came upon the stand upon the first day without any notice whatever as to the line of inquiry to which I was to be submitted. There are a great many laws relative to the operations of the office of the Secretary of State; I presume there is no office in the State that has so many statutes concerning it and its operations as that office. There were four points taken up by counsel at the last meeting, and as I just stated, I had not the slightest notice as to what the line of inquiry was to be—what issue I was to be asked to meet—and therefore it was rather difficult to state off-hand just exactly my position as to the various statutes, because from the day I assumed the duties of the office, on the first of July, 1870, there had never been but one material question raised in regard to my accounting. My accountings were public records to the Comptroller, published in his reports and in the reports of the Treasurer and submitted to the Legislature. Considering the point you have submitted in connection with other questions raised at the last meeting, I have summarized my position in a brief statement, which I would like the privilege of submitting.

Chairman Voorhees—That will be accorded you.

Witness—And then also in connection with that matter I will make a statement of the action I have taken as the result of suggestions by the Committee, and other matters which is of the utmost importance to the people and to the Legislature as well as the Committee, and with your permission, Mr. Chairman, and the permission of the Committee, I would like to make that statement in this formal manner, and the answer will cover the question you have asked.

Chairman Voorhees—Your request will be granted. Witness read the following statement :

HENRY C. KELSEY'S WRITTEN STATEMENT.

Mr. Chairman :

The requirement that the Secretary of State shall make a quarterly report of the receipts of his office is found in the act of March 10th, 1879, which is entitled, "A supplement to the act entitled 'An act fixing the compensation of certain public officers of the State,' " approved March 10th, 1876.

This act, under the one title, contained two distinct provisions :

The one changing the compensation of the Secretary of State, the Clerk in Chancery and the Clerk of the Supreme Court.

The other requiring the Secretary of State to make quarterly reports.

Whether or not the two objects under one title made the act unconstitutional was not raised at the time because of inherent defects in the law itself, which led the Legislature to quickly supplant it with another.

This act of March 10th provided that the Secretary of State should receive a salary and allowance in lieu of all fees, and that "all fees now payable" to him should be collected by him, reported quarterly to the Comptroller and paid over to the State Treasurer.

Another section of this act declared that it should take effect immediately, saving and excepting that so far as the same increases or reduces the percentage or allowance of any public officer now in office, during the term for which such officer was elected or appointed, it shall take effect only upon and immediately after the end of said term.

At the date of the passage of this act the Secretary of State was in the occupancy of a term not to expire until April 6th, 1881, and so far as the act increased or reduced his percentage or allowance, and only so far, its effect was postponed until that date.

The provision requiring the Secretary of State to report to the Comptroller, and pay to the Treasurer, "all fees now payable by law," was the only feature of the law that did not relate to an increase or reduction of the compensation of the officers mentioned, and was, therefore, under the terms of the act, to take effect immediately.

Four days after this act was approved, on March 14th, another law was passed and approved, entitled "An act concerning official fees and rendering an account thereof."

This act was evidently framed to correct the inconsistencies of the act of March 10th, in relation to the quarterly report, and provided that the Secretary of State "shall keep a true record of all the fees and compensation received or taken by him for his own use as Secretary of State," "or in any other official capacity," and shall make a statement, account and report, under oath, to the Comptroller of this State, "on the first day of July next, and quarterly thereafter."

The second section of this act provides "that all acts or parts of acts inconsistent herewith are hereby repealed, and that this shall be a public act, and take effect immediately."

If the provision of March 10th relative to reports was valid and in force there then two provisions relative to reports by the Secretary of State in existence on March 14th, 1879:

1. That of March 10th, which required him to report quarterly as to "all fees now payable by law to said Secretary of State," and to pay the same over to the Treasurer.

2. That of March 14th, which required him to report on the "first day of July next and quarterly thereafter," all fees and compensation received by him in any official capacity for his own use during the preceding period.

Both of these provisions related to the fees received by the Secretary of State between March 14th and the close of his term in April, 1881.

The provision of the act of March 10th being inconsistent with that of the act of March 14th, was repealed by it.

The act of March 14th continued in force, and was acted under by the Secretary of State until it expired by limitation in 1881, when he ceased to receive fees for his own use.

The opening of the new term in 1881 found no law in existence requiring the Secretary of State to make any report to the Comptroller, or payment to the Treasurer, of moneys received for the State save the act of 1870 (Laws of 1870, p. 71), which provides that the fiscal and business year of each department of the State, shall be considered as beginning on the first day of November, and ending on the thirty-first day of October of each year.

Under that law, from 1870 to the present time the Secretary of State has at the close of each fiscal year paid over to the State Treasurer the full amount of all money received by him for the use of the State; just as his honored predecessors, Messrs. Congar, Johnson and Allison did from 1856 to 1870, as will be seen by a reference to the Treasurer's reports for those years, and to the reports of the Comptroller from the date the office was established. These reports were to the Legislature; every member, every official and every citizen had access to them. The date of the return of the Secretary of State, and of the payments, were distinctly stated. If there was evidence of error or dereliction, it was for the Legislature to take notice of it and apply the remedy; but during the entire period no word or question of doubt was ever uttered.

The act of March 10th, 1879, provided that "the Secretary of State shall receive a salary of six thousand dollars per annum, together with an allowance of four thousand dollars per annum," which said salary shall be a full compensation for all services rendered by the said the Secretary of State, as Secretary of State, &c., or in any other official capacity whatever, and for all clerk hire save and except that the Assistant Secretary of State shall continue to receive the salary now provided by law for his services. The words here used make the salary and allowance a salary with which the

Secretary of State was to compensate himself and the necessary clerks.

On February 16th, 1881, the Legislature passed a supplement to this act of March 10th, 1879, which reiterated the provision of that act that the salary of six thousand dollars should be in lieu of all fees or emoluments for any act done or service rendered in any official capacity; and that, provided that for the "allowance of four thousand dollars," which that act provided should be paid to and received by the Secretary of State, "the said Secretary of State shall at all times employ and keep in his office a sufficient number of competent clerical assistants for the efficient and prompt performance of all the business and duties belonging and appertaining to his said office, or required of him in any of his official capacity, who shall be paid monthly."

This was a clear and positive grant to the Secretary of State of ten thousand dollars per annum, for which he was required to do and to have done the work of his office.

This act made it the duty of the Secretary of State to have "all the business and duties appertaining to his said office or required of him in any of his official capacity," done efficiently and promptly. So long as that was done by him, the number or pay of the clerks did not concern the State. By the act of March 10th, 1879, the salary of \$6,000 and the allowance of \$4,000 are declared to be a salary to him, and a full compensation to him for all work which he may do himself or hire clerks to do. If it had cost him more than four thousand dollars for clerk hire to do the work efficiently and promptly, he would have been obliged to pay it out of the six thousand set aside for his own compensation; if it cost less he was clearly entitled to add it to the \$6,000.

I am indebted to Ex-Comptroller Anderson for recalling the fact that this interpretation of the act of 1881 was held by him, while Comptroller, after full consideration of the subject, when I made my first report to him under the salary act; he noticed that I had made no account of the allowance of \$4,000, and said he thought I should have done so. I called his attention to the particular language of the act, and after considering it, he agreed with my construction and accepted my report as it was presented.

This was in 1881, and there never has been a day when the business and duties of the office, as defined by that act, have not been promptly and efficiently performed, though multiplied, as they have been, by the natural increase of legislative, executive and judicial business.

This has been admitted by everyone who has any knowledge of the office and its work.

In November, 1882, the Secretary of State reported the receipts of the office for the first year of his new term, under the salary and allowance of \$10,000, to be:

From fees as Secretary of State, Clerk of Court of Errors and Prerogative Court, etc..	\$11,758.52
From foreign insurance companies.....	3,421.95
	<hr/>
	\$15,180.47

In 1883 the Legislature passed an act providing for the incorporation of companies upon the payment of moderate fees, and, in the six months succeeding its adoption this act resulted in the inception of a business which has since reached enormous proportions—a business in which the Department of State in the few months of the year 1883 earned for the benefit of the State some \$18,000.

The fees and the work of the Secretary of State's office which produced them, went on increasing from year to year until 1888, when they were reported as follows:

From fees as Secretary of State, Clerk of Court of Errors and Prerogative Court, etc.	\$17,115 76
From Foreign Insurance Companies.....	6,592 19
Fees under Corporation Act.....	37,754 00
	<hr/>
	\$61,461 95

A comparison of the figures of 1882 and 1888 shows that the work and fees of the Secretary of State, for the performance of which the State had, in 1881, made the allowances of \$4,000 for clerk hire and \$6,000 as salary, had increased from \$11,758.52 in 1882 to \$17,115.76 in 1888; that the insurance business had grown from \$3,421.95 to \$6,592.19; that the corporation business

and fees had developed from comparatively nothing to \$37,754.00, and that the total work and its result of \$15,180.47 in 1882, had been quadrupled in seven years, and, in 1888, had reached \$61,461.95, and all without any increase of the allowance made to the Secretary of State, for which he was to have the work of the office promptly and efficiently done.

At its next session, in 1889, the Legislature in apparent recognition of the fact that the business and work of the Department of State had increased in every direction since 1881, when the compensation and allowance of the Secretary of State had been fixed, passed two acts providing means for meeting the added burdens.

As a matter of fairness to a public officer, and as a means of making the Secretary of State's salary and allowance bear some comparison to the increased work of the office, the Legislature in 1889 provided in chapter 123, being a supplement to the Insurance Act, that the expenses of carrying out that law should be paid out of the fees derived from that law.

Under this act the insurance business was charged, in 1889, with \$1,227.65 expenses; in 1890 with \$1,848.82, and in 1891 with \$1,600. In 1891 the insurance business of the State Department had become so great that the Legislature created a special department for the management of the business. On April 1st, 1891, the Insurance Department was organized and the State Department freed from the work.

Another act, chapter 111 (Laws of 1889), being a supplement to the Corporation act, was passed at the same session. This act provided for the levying, collecting and caring for fees for filing the annual reports of corporations, and also for the same work in connection with the filing of all certificates not otherwise provided for; and also required the compilation and publication of lists of existing and future corporations. The second section of this act provided that "the expenses incurred in carrying out the provisions of this act shall be paid by the Secretary of State from moneys collected under this act, the act to which this is a supplement or other supplements thereto." It has been intimated that the law already provided for the filing of the list of officers and directors, and for the filing of the certificates not otherwise provided for, and

created as new work only the preparation and publication of the lists of corporations. But, it is apparent that the law provides, whether necessarily or unnecessarily, for imposing, collecting, receipting and caring for fees for filing the lists of officers and all certificates for which provision had not yet been made. It also provided for the searching, transcribing, compilation and publication of a list of all corporations formed since 1848, and also for the compilation and publication of annual lists. Having done this, the act provided that the expenses incurred in carrying out the provisions of the act, not merely the second section of the act, should be paid by the Secretary of State from moneys collected under, not only this act, but also "the act to which this is a supplement and other supplements thereto"—the entire system of corporate legislation.

It was but a fair interpretation that whatever was required to be done under this act should be a proper charge against the receipts under the original corporation act and all its supplements.

This provision made it possible for the Secretary of State to give to the corporation business that time, attention and labor, that prompt and liberal treatment of persons demanding services under the corporation laws which has made the New Jersey law and its administration so popular and the business so profitable to the State.

In order that the Committee may form an adequate idea of the immense volume of corporation work in the office of the Secretary of State, it may be proper that I should say that the total number of certificates and reports filed during the year 1894 exceeded 5,800, and the aggregate correspondence amounted to more than 20,000 letters received and answered. At times, and frequently, every employe of the office, including the Assistant Secretary of State, is engaged exclusively upon corporation work.

Upon consulting the Assistant Secretary of State and the chief clerk under the corporation law, this morning, they agree that from two-thirds to three-quarters of the entire work of the department consists of corporation work,

It would be impossible to do the work that has been done, under the restrictive features of the act of 1879,

even if the Secretary of State could have been asked to do it. The corporation business has been made the warrant for the grant by the Legislature of increased salaries to the Comptroller and State Treasurer and additional clerical assistance to the Attorney-General. The new and additional work imposed by the new corporation system has nowhere been greater than in the department of State, and nowhere has produced better results for the State. All duties have been performed, and the charges made by the Secretary are for moneys actually expended upon vouchers filed with his annual reports in that behalf.

The increase of corporation work in the Secretary of State's office, during the period from 1888 to the end of 1894, over that of 1888, amounted in the six years during which the supplement of 1889 was in force, to \$332,153.47, and the amount charged against these increased receipts, for the additional work incident to the increased duties of filings, recordings, searchings, copyings, correspondence, and the preparation and compiling of two large lists, and three annual lists, was \$11,012.

It is beyond question that every service charged for under the corporation act was rendered; and it is certain that the increase of corporation business was largely attributable to, and could only have been possible under, the prompt and effective manner in which this business was conducted by the Secretary of State. All of the business was extra to the work required of him by the act which, in 1879, fixed his salary and allowance, and the total extra charges made for the extra work involved are but a very small proportion of the extra receipts.

Of the amount charged, I believe that all was covered by the spirit of the law, and there was certainly no part of the outlay which I did not feel was demanded by an earnest, effective and profitable administration of the system as it existed.

This interpretation has been given to these laws with the concurrence of every State officer who had any official knowledge of or contact with them; never, at any time, until now, has any suggestion been made for a variance of the practice which I inherited from my predecessors and have pursued for twenty-five years, except that mentioned in regard to Comptroller Anderson.

Q. What was that exception? *A.* The exception where he had challenged the return of the \$4,000 in my first report under the salary act. When I presented my report, he said he thought I ought to account for the expenditures under the allowance for help of \$4,000, and I said I thought the act didn't require it. He examined the act and said he agreed with me, and he was kind enough to call my attention to that a few days ago. I had entirely overlooked it when I was before the Committee on the last day.

And now, since the questions have been raised, I have consulted counsel of character and position, three gentlemen of the highest standing at the bar of the State, and their unanimous judgment, given me in writing, is that on the three several questions raised, I was fully justified in law.

I think I have shown, Mr. Chairman, that I have not only followed a long-established precedent, but that my action has uniformly been in accordance with the requirements of law, as I believed, and as I am now advised by eminent legal talent. Further, that it was at all times acquiesced in by the financial officers of the State, and that my reports were always matters of public record, open alike to the Legislature and the people.

However, when, during the last session of the Committee, I was asked if I would be willing to pay the amount collected during the current fiscal year into the State Treasury at once, on request of the Committee, I replied in the affirmative; but the Committee has refrained from making such a request.

I was further asked by yourself, I believe, Mr. Chairman, if in my judgment, some better system of collecting and disbursing public moneys could not be devised; my reply was that I thought it would be reasonable and practicable to require them to be paid into the State Treasury monthly.

In pursuance of this view, and in deference to what I believe to be an entirely just public sentiment, but without receding in any way from my position that there is no legal requirement to do so, either monthly or quarterly, I have paid into the State Treasury the entire balance in my hands, collected on behalf of the State during the fiscal year, to the first day of the present month, and have determined to do so hereafter monthly.

Mr. Corbin—Mr. Chairman, I wish, in opening, to correct one statement made by the witness before he read his written brief, and that was that he had not been advised of the line the examination was to take last week. I distinctly stated to Mr. Kelsey several days before the examination commenced that the subject of the examination would be the matter of his returns to the State and his expenditures from the State's moneys. I think he will recall that.

Before I proceed with the examination of witnesses I have a brief statement of the law with reference to the subject, including some statutes to which Mr. Kelsey has not referred. The paper which he has presented I have now seen or heard of for the first time. It is evidently drawn with care, but the greater part of it does not at all touch the issues raised by the examination which was had here last week. I will briefly go over some of the statutes I then referred to.

The Secretary of State collects four classes of fees, and there are separate provisions of law fixing his duties with respect to each.

First. Under the act of March 10th, 10th. 1879 (Sup., Rev. 892), he collects, *for the use of the State*, fees for filing papers, issuing commissions and for other duties performed in his office. Of these he is required to render quarterly to the Comptroller a detailed statement under oath, to be audited by the Comptroller and then filed with the Treasurer. Within ten days thereafter he must pay over the amount of said fees to the Treasurer, under a penalty of five hundred dollars for each day's neglect.

These fees amount to \$10,000 to \$20,000 per year.

No quarterly statement has ever been filed, but annual statements have. No statement in detail has ever been filed, but statements at the end of the year in gross of the amounts collected.

I submit to the Committee there is no repealer, express or implied, of that statute anywhere in the books, and it is in force to-day, not only with respect to the Secretary of State, but such other officers as may be mentioned in the act.

Second. Under the act of March 11th, 1880 (Rev. Sup. 898 pl. 22 *et seq.*) he collects for the use of the State the fees of the judges in the courts of which he is clerk,

and is required within ten days after the close of each term to make an itemized return to the Comptroller of all such fees collected or charged,—as county clerks are required to do. These returns are to be made on blank forms furnished by the Comptroller.

No such return has ever been made by the Secretary of State, but he has made an annual return in gross, of part of what is required, that is of the fees actually collected by him.

That law requires him to return all fees collected or charged in taxed bills of costs; by his own testimony, he has returned nothing except what was collected, and that in a lump sum at the end of the year; without the details required by law. This same section applies to the Clerk of the Supreme Court, Clerk in Chancery and the twenty-one County Clerks. They have complied with it, Mr. Kelsey has not.

Payments are to be made quarterly. They have always been made annually, and the amounts reported are about \$300 per year.

Third. Under the supplement to the corporation act passed March 5, 1883, (Pamp. Laws, p. 62,) he is to collect for the use of the State on the formation of every corporation, fees amounting to \$25, and more according to the amount of capital of the corporation and also certain other fees. This act is silent as to the time of reporting and paying over the money to the treasurer, but the law on that subject will be found in the act of March 24, 1868, (Rev. 1219, pl. 40,) which imposes on all public officers, who as agents for the State, receive moneys belonging to the State, forthwith upon receipt of the same to report the same to the Comptroller for audit and registry before any acquittance or discharge is given therefor.

These fees have amounted to as much as \$125,000 in one year.

They have never been reported for audit either forthwith or otherwise, but a statement giving in one item for the total year has been filed with the Comptroller, and the amount thereof paid annually in October.

These three classes of fees to which I have referred you will observe are all for the use of the State, and after a most careful reading of all these acts I cannot see the slightest confusion, the slightest inconsistency

or any difficulty which would beset an officer who desired to fulfill those acts. I cannot see that there is anything open for question as to his duty under them; they are plain in terms. They require a prompt, detailed statement of all moneys collected for the State, and the prompt payment of the same into the treasury.

Fourth. Under the act of April 18th, 1891 (*P. L.*, p. 511), the Secretary has retained to his own use, in addition to his salary, all fees received by him as Clerk or Register of the Prerogative Court. Even admitting that the act permitted him to do so, yet the act of March 14th, 1879 (*P. L.*, p. 338), requires that he shall render a statement of fees retained for his own use quarterly to the Comptroller showing separately the gross amount of each kind of fees, under a penalty of \$100.

He has made no statement whatever of these fees from 1891 to the present time.

The testimony shows that the Secretary has retained of these fees \$3,000 to \$4,000 a year.

One point in this printed paper that Mr. Kelsey has submitted is the statement that the act of March 14th, 1879, repealed the act of March 10th, 1879. I conceive that to be an utter misconstruction of those laws; when two laws are passed upon the same or cognate subjects by the same Legislature, particularly if it be at about the same time, they are, if possible, to be construed together. For example, the Railroad Tax law of April 10th, 1884, was followed fourteen days later by the act for the taxation of other corporations, April 24th, 1884. The two are to be construed together as a system of corporate taxation devised by that Legislature which had the subject under consideration.

So with reference to these two acts of March 10th and March 14th, 1879; both refer to the Secretary of State, but far from being inconsistent they are, in fact, the complement one of the other; one refers exclusively to fees collected by the Secretary for his own use; the other to fees collected by him for the use of the State. Together they regulate the Secretary's duty with respect to fees and are as clear and plain as they can be; every line and every letter of both can stand without a word of inconsistency. The other clerks in the State haven't

had any doubt about it. These returns have been made by every other clerk in the State; blank forms have been sent out to the County Clerks, the Clerk in Chancery and the Clerk of the Supreme Court, and nobody has had any doubt about his duty.

Mr. Kelsey—Never to the Secretary of State.

Mr. Corbin—I suppose they could have been gotten by going across the hall. They are printed by law and must be furnished upon application to every clerk of court. Whatever the facts may be, and whatever the characterization of what has been done may be, the law is plain enough; and don't let us befog our minds by any intricate or difficult reasoning about it; there are four plain statutes relating to four subjects. There is no doubt about the duty of the Secretary of State in reference to them. The circumstances with which he has surrounded it, and the atmosphere in which he was, and all that, is another matter; but as to his duty, I cannot find room for any cavil about it.

Mr. Kelsey—Mr. Chairman, counsel says that he advised me that an inquiry would be made in regard to my reports to the Treasurer. I do not recall his having said so to me at any time. A member of the Committee, yourself, Mr. Chairman, advised me the day before, or two days before the first time I was upon the stand, that there would be some inquiry in regard to the operations of the office, with a view to recommend a better system or improvement if it was thought advisable. That is all the notice that I had so far as I can recall.

Mr. Corbin—There must have been some misunderstanding about it, I suppose.

Mr. Kelsey—Now, as to the blanks to be furnished by the Comptroller, I have never seen one in my life; none has ever been furnished; I am not aware now that he has ever furnished them to anybody. As to the reports by other officials, County Clerks, and the Clerk in Chancery and the Clerk of the Supreme Court, I think the records will show that not a single one of them have made a quarterly report.

Mr. Corbin—Oh, yes; we have had many of them here in evidence.

Mr. Kelsey—I speak particularly of State officials under the act to which you have referred. And further-

more, Mr. Chairman, the points taken in the paper which I have submitted are in accordance with the advice of counsel as highly respected, as distinguished as there are at the bar of this State, and I submitted the four points raised as I have stated in the paper; I have their opinion in my pocket that my action was in accordance with law. Had the action ever been challenged before I should have known exactly what to have done; it never was taken; I never had any occasion to take any advice about it or consult any one. Now that I have done so, they have advised me that my action is in accordance with the law as they construe it and understand it.

Mr. Corbin—When the former day's examination was closed Mr. Kelsey asked for time to prepare a statement of the disbursements of his office for clerical assistance, which was accorded him, and I have the statement here.

Examined by MR. CORBIN.

Q. I show you a paper headed, "Statement showing disbursements made by Henry C. Kelsey, Secretary of State, for services rendered in the Department of State during the years ending September 30th, 1889 to 1894." Was this prepared in your office? A. Yes, sir.

Statement offered in evidence and marked "Exhibit 294," of which the following is a copy:

"State of New Jersey.

"Department of State.

"Statement showing disbursements made by Henry C. Kelsey, Secretary of State, for services rendered in the Department of State during years ending September 30th, as follows:

	1889.	1890.	1891.	1892.	1893.	1894.
A. H. Rickey	\$1500 00	\$425 00				
T. K. Johnston.....	1210 00	1365 00	\$1500 00			
Mrs. Winans.....	152 28	84 37	139 72	\$94 40	\$95 83	\$179 45
Mary A. Mitchell.....	35 00	305 00	405 00	465 00	510 00	600 00
Vandegrift, Jr.....	288 00	80 00				
A. D'A. Naar, Sr.....	361 62					
John W. Griggs.....	102 65					
Gen. R. F. Stockton.....	700 00	250 00				
G. B. Dunning.....		848 00	352 00		750 00	2000 00
Joseph D. Hall.....		640 00	640 00			
Miss Phillips.....		419 99	645 00	220 00		
Wm. H. Rea.....		112 00	437 00	714 00	720 00	780 00
Jas. S. Yard.....		450 00	800 00			
W. P. Wells.....		209 50	385 00	855 00	625 00	
Election Act—(Pay-roll to A. H. Rickey).....		101 00				
Chas. E. Hendrickson.....		199 32				
John W. Brooke.....			720 00	1000 00	1180 00	1200 00
G. B. LaBarre.....			490 33	1020 00	773 33	
S. M. Dickinson.....			200 00		200 00	
W. S. Potter.....			50 00	50 00	100 00	100 00
Mrs. Wells.....			16 25	5 00		
Mrs. Decker.....			8 50		32 40	
Miss Felty.....			1 00			
Wm. F. Abbett.....			50 00			
Samuel Walker.....			200 00			
Miss Godshalk.....				315 00	585 00	600 00
Knight & Gnichtel.....			5 00			
Miss Dillon.....				95 00		
P. J. Anderson.....					150 00	700 00
E. T. Maloy.....					160 00	510 00
H. L. Wallace.....					5 50	9 00
C. C. Havens.....					1 00	
Wm. H. Knowles.....					150 00	
A. L. McDermott.....					200 00	
Fell.....						15 00
Miss Dunning.....						11 50
J. B. Johnston.....						120 00
	\$4349 55	\$5489 18	\$7044 80	\$4833 40	\$6238 06	\$6824 95

Q. Also detailed statements for each of the years mentioned, being six in number, these were also prepared in your office and under your direction? A. Yes, sir.

Q. These contain your disbursements not only for clerical services, but legal services, and all such things? A. All services in the office except printing.

Six papers referred to offered in evidence and marked "Exhibit 295, 296, 297, 298, 299 and 300."

Mr. Corbin—The summary which I have put on the record of these disbursements is for the year ending, September 30.

Senator Daly—Do I understand that under the 40th section which you have referred to of the Revised Statutes, page 1219, that a fair construction of that section

would provide that he should pay over the money forthwith to the Treasurer.

Mr. Corbin—Well, read it, please. He shall report it forthwith to the Comptroller, who is to audit it and pass upon it; you asked whether the money shall go with it.

Senator Daly—I merely make a suggestion to you, because my reading of the act as I understand it is that he merely shall report to the Comptroller for the purpose of audit only, not for the purpose of paying the moneys over.

Mr. Corbin—I see your point, and I will read the section :

“40. Section 2. That it shall be the duty of the treasurer forthwith, upon the receipt of any interest, or other moneys belonging to the state or to the school fund, or other funds in his custody, to report the same to the comptroller for audit and registry before any acquittance or discharge is given therefor; and the same duty is imposed upon all public officers or other persons, who as agents for the state receive license fees or other moneys belonging to the state.”

I suppose the Senator's point is that the Secretary of State could receive the money, take it in and submit it for audit with the statement of it to the Comptroller and have the Comptroller countersign the receipt, which is evidently what is meant, and still the Secretary of State retain the money.

Senator Daly—I don't say that. I mean to say a fair interpretation of the act would not go beyond his presenting the claim or the bill for mere audit and register.

Mr. Corbin—If the Comptroller audits that payment he has got to have the statement of it. In the first place he has got to audit it and register it in his books; if he did that without the money actually coming into the treasury I think he ought to be impeached.

Senator Daly—Well, it may be so. The act don't go beyond that though.

Mr. Corbin—I don't believe any Comptroller of this State ever audited a payment into the treasury without the money getting there, and you will observe that this register of the entries is the Comptroller's cash account, which ought to agree with the Treasurer's cash balance or else the financial system of the State would break down; his balance must constantly agree with the other.

If he should begin to register moneys which the sheriffs, prosecutors, county clerks, Clerk of the Court of Errors, and courts all around the State, in which there are probably a hundred officers entitled to receive moneys—register those moneys in his books and countersign acquittances for them without the funds getting into the treasury, he would soon be in trouble. I don't conceive that it is possible that he can register those moneys without their being actually passed into the treasury; it would not be proper.

These disbursements for the year ending September 30th, 1889, are \$4,349.55; for the year 1890, \$5,489.18; for the year 1891, \$7,044.80; for the year 1892, \$4,833.40; for the year 1893, \$6,238.06; for the year 1894, \$6,824.95. That is all, except the printing.

Senator Skirm—And the \$4,000 allowance?

Mr. Corbin—No, sir; this is the entire disbursements of the office, as I understand the witness, except the printing disbursements.

Q. Is that correct, Mr. Kelsey? A. Yes, sir.

Mr. Corbin—These detailed statements which the witness has produced are of three sheets each, the first sheet showing checks drawn upon the Mechanics' Bank to various persons rendering services; second, those drawn upon the Sussex Bank; and thirdly, those made in cash.

Q. I see that for the year 1889 you drew the annual appropriation of \$4,000 for clerical services; also for services in the Corporation Department, \$950; also for services in the Insurance Department, \$1,227.65, making a total of \$6,177.65. The statement you have rendered shows that your entire disbursements that year were \$4,349.55. How is it that the amount you drew from the treasury was so much in excess of the amount that you actually disbursed in your office; the difference is \$1,828.10? A. The amount disbursed on account of insurance and corporations and banks from that account; the \$4,000 allowance I made no account of whatever; I kept no account of the \$4,000.

Q. Well, you had in your office five or six clerks upon salaries, I suppose, or three or four, did you not? A. Yes, sir.

Q. And they were paid their monthly salaries as required by law? A. Yes, sir.

Q. And then you had certain other extra disbursements for clerical and legal services? A. Yes, sir.

Q. Well, now, these all amount to but \$4,349, and yet you drew in these three ways \$6,177 from the State; I see that in your printed paper, the 4th page, you speak of this \$1,000 allowance for clerical hire, and make the point that it belongs to you whether the clerical services costs more or less. *A.* Yes, sir; the extra work put upon the office didn't come within the scope of the \$4,000.

Q. Well, the extra work put upon the office for which you have put in vouchers is simply for that insurance amendment of 1889 and the corporation amendment of 1889? *A.* Yes, sir.

Q. Wasn't it merely an arbitrary matter as to how much you put in vouchers to the State for at the end of the year? *A.* No, I think not; I made what I considered to be a fair estimate of the corporation work and of the insurance work, and, as I have already stated, there are times when the entire force of the office is engaged on corporation work; there are times when only a portion of it is engaged in corporation work; I charged what I considered a fair amount to that account and produced the vouchers in every case.

Q. What you considered a fair amount of the entire corporation work done there in your office? *A.* The corporation work and the insurance work, yes, sir.

Q. Well, there was always corporation work done in that office for forty years past? *A.* Yes, sir.

Q. And this act of 1889 simply added one or two little matters, did it not, such as making up of this list? *A.* It was at that time that the work began to grow to very large proportions, and I think I have already stated that the work of that character last year amounted to 5,820 papers filed and 20,000 letters.

Q. In the year 1890 you drew on the State for clerical services, \$6,556.07, and your statement shows that you paid out \$5,489.18, a difference of \$1,066.89. *A.* I continued to charge, and have always charged under this act, Mr. Corbin, a reasonable amount on account of the corporation work.

Q. Well, you have so made the statement at the end of the year that out of that \$4,000 clerical allowance you have made a profit of from \$1,000 to \$1,800 for several years? *A.* I want to say, Mr. Corbin, and Mr. Chairman, that as to the duties of the office as they existed when that act was passed, and as they exist to-day, the duties which were then upon the office as they exist to-day, the allowance was always more than sufficient, taking into consideration also the salary of the Secretary of State, and I held and hold now, Mr. Chairman, that whether I did the entire work of the office myself, or members of my family, or whether I did

it with one clerk or with two, I was entitled to the allowance of \$4,000; I was not bound to account for it to the State at all.

Q. Admitting that as so, Mr. Kelsey, in the year 1894 you still drew for the services under the Corporation Act \$3,150 additional, and you have in your statement said that it was for services rendered under the supplement of 1889, which has the making up of the annual list, and the supplement of 1894 which has the foreign corporation matter in which 122 certificates were filed. Now, can it by any possible construction be said that \$3,150 was a fair allowance for that amount of work. *A.* I don't say that it is possible to separate the duties of the several branches of the corporation work.

Q. But the act does separate them? *A.* But I have already said, and I repeat, that every single employe of the office at times was engaged upon that work, whether exactly upon the preparation of the compilation of the lists, the filing of certificates, the making of certified copies, attending to correspondence or not, it is impossible to say. Every clerk of the office does whatever comes to his hand, but the bulk of the work, as I have already stated, two-thirds or three-quarters of it is corporation work, and the additional duties imposed by the act of April 3d, 1889, have been very large; whether the amount charged, \$3,000, is exactly embraced precisely, and only in the work done under that act I wouldn't be able to say.

Q. Isn't the amount arbitrary; I see you have taken the salaries of some of your clerks and charged half of the salary of two-thirds of the salary or more of the salary to the corporations? *A.* In some cases.

Q. Enough to make up the \$3,150? Yes, sir, arbitrarily, there is no fixed rule about it.

Q. During this last year, 1894? *A.* You will observe—

Q. That was compiled in your office, this pamphlet of sixty pages, under the act of 1889? *A.* Yes, sir.

Q. And there were filed 122 certificates of foreign corporations. *A.* Yes, sir.

Q. And to give it your still further construction, you filed the lists of directors; you were entitled, you say, to special compensation for that? Can it be possible that one clerk could not have done all that and done it in the office time? *A.* No, sir; during that year there were twelve thousand abstracts made.

Q. Abstracts of what? *A.* In regard to that list of corporations during 1894.

Q. This list that I have in my hand? *A.* I don't say that; I am reading from a certificate of the corporation clerk.

Q. That is scarcely testimony, but you should know what the list is. It was this list that was printed, of course, was it not?

A. Under the head of "Miscellaneous certificates not otherwise provided for," there were about four hundred filed at \$20 each, \$8,000.

Q. The mere filing of a paper is no serious duty, is it? Don't you suppose the Clerk in Chancery or the Supreme Court Clerk files five where you file one? A. Five papers?

Q. Yes. A. Very likely they do; I don't know anything at all about the operation of their offices.

Q. But as a matter of fact nothing has to be done except acknowledging the receipt of the paper and endorse and enter it, has there? A. We issue a certificate; a certificate under seal is required to be issued for every one that is filed; they have to be endorsed, filed and certified, copies without end, how many it is impossible to say are issued, the fee for which goes to the State.

Q. But that is not under the act of 1889, not all of them at least? A. It is in regard to those certificates.

Q. In the year 1892, the amount received from the State was \$6,575, and the amount paid out for disbursements was \$4,833.44, difference, \$1,741.60; in the year 1893 the amount received from the State was \$7,345; the amount disbursed was \$6,238.06, difference, \$1,106.94; in 1894, the amount received was \$7,150 from the State, disbursed \$6,824.95, the difference, \$325.05? A. It has been impossible to classify the clerks engaged on that service; if I should attempt to do so—if I should attempt to charge one clerk or a sufficient number of clerks to do that work, with that work alone the expense would be infinitely larger than it is to-day.

Q. Well, wouldn't a fair construction of it be that you should draw from the State for clerical services as much as you pay out for clerical services, and no more? A. That is what I have done, except as to the \$4,000.

Q. It appears that you have drawn from a thousand to eighteen hundred dollars a year more than you have paid out, by your own statement? A. I haven't attempted—it is impossible in that statement, Mr. Corbin; that embraces matters for which I have vouchers and evidence in the main, in fact, entirely; but there have been many cash payments for the work done outside of the office, for which I kept no account at all, and never considered myself liable to account for the \$4,000; no Comptroller ever held that I was; on the contrary, as I have already stated, the Comptroller who received my first account—and no abler officer ever served the State—held that I was not to account for it; I had the work

of the office done that year, and every year, and I may have expended the whole of it, I may have expended only part of it; I don't pretend to account for it; I contend that I was not bound to account for it.

Q. Then in making up your statement of the additional clerical services for the State to pay, you fixed it arbitrarily at about what you thought was about right and a fair charge? *A.* I did.

Q. Without reference to what you had paid out? *A.* I did; there has never been any time when every clerk in the office was charged—the services of every clerk was charged to that account; sometimes, as you have stated and as appears from the statements I have given you, the entire services of one or two or three clerks have been charged, and sometimes a portion of that; I divided it according to my best judgment, with perfect fairness to the State and perfect justness to the State.

Q. Of course these same clerks have been at work in the Prerogative Office in the duties of that court, have they not? *A.* Yes, sir.

Q. And you have retained the fees of three or four thousand dollars earned in that? *A.* Yes, sir.

Q. You say you had vouchers for all of these; was it your custom to take receipts from your clerks? *A.* Yes, sir; very largely.

Q. These duplicate receipts that I see attached to your returns to the Comptroller are some of them? *A.* Yes, sir; there is no duplication of the amounts.

Q. I observe in this statement for the year 1894 that Dunning's salary is a hundred dollars a month, but that in March, 1894, he was given \$300 additional? *A.* Yes, sir; that has been my practice; you will find that in another case, which I think, if I am right—

Q. And in October he was given \$200 additional? *A.* Yes, sir.

Q. What was that for? *A.* That was for an addition to his regular monthly salary, and in another case—

Q. For what, anything the State was concerned in? *A.* Yes, sir; entirely.

Q. What was it for; what was the occasion of singling this clerk out and giving him \$300 at one time and \$200 at another? *A.* I done it simply because he was entitled to a larger compensation than he was getting, and I am now paying him regularly \$120 a month. The same thing occurred on one occasion with Thomas K. Johnston. He has been in the office a great many years.

Q. That was on the occasion of his leaving? A. Yes, sir.

Q. You gave him \$500 additional, then? A. I did.

Q. He gave you a receipt then for \$1,250, which included that which you put in as a voucher to the State? A. Yes, sir; it was under the insurance act, and he had the principal charge of the insurance business; it was fair and just compensation; I have always regretted that I had not made it a thousand dollars.

Q. Did you consider that you were at liberty to make a present at the expense of the State? A. It wasn't a present.

Q. He was drawing a salary of \$125 a month for the entire year? A. Yes, sir.

Q. On the day he left, you handed him \$500 more? A. As additional compensation.

Q. Did he demand any additional compensation? A. I don't think he did.

Q. You then took a receipt from him for \$1,250? A. Yes, sir.

Q. And handed it in to the State as a voucher for his services for the entire half year? A. Yes, sir; and the State had the worth of the money; there never was a more faithful man in the State House than Thomas K. Johnston; he came to me as a boy, and had been in my office for more than twenty years, but his salary was never as much as it should have been; I was very glad to give him additional compensation, and when he left, as I have said, I always regretted that I hadn't made it higher.

Q. As a State officer handling State funds you could hardly make presents out of the State money? A. It was not a present.

Q. I understand that it was not demanded or agreed on; he had had his regular salary? A. I don't know whether he demanded it or not; I don't remember about that; I can't say; it was given to him as additional compensation just exactly as I have done in many cases in my private life, in my public life, and as I expect to do as long as I live to the men who have served me faithfully and well.

Q. That is rather a matter of private benevolence than disbursements of public funds? A. Not at all.

Q. You think that is a proper disbursement of public funds? A. Perfectly, sir.

Q. After the services have been rendered and the stipend paid that presents should be given out of the public funds? A. It was not a present at all, any more than if you had served me faithfully in any matter in which I may have employed you, and I thought you were entitled to greater compensation than you had received and I paid you additional compensation.

Q. That will do with private funds undoubtedly, but I hardly think— *A.* I treated Mr. Johnston and Mr. Dunning exactly as I would have treated them if they were in my own employ.

Q. It couldn't have happened if the money had been paid into the treasury and the Treasurer had been paying the salaries? *A.* Yes, sir.

Q. Do you think the Treasurer of this State could have paid out \$500 as a present to a man without— *A.* Not at all; if I had certified it to the Treasurer I should have certified it for his services rendered, and that is what it was paid for; and if I had certified it to the Comptroller I should have certified it for services rendered and took a receipt for services rendered; that is what it was paid for, and it was an entirely just payment.

Q. It was your judgment that the stipend theretofore paid was really not as much as Mr. Johnston deserved? *A.* Probably not.

Q. That was the reasoning which led you to pay him more? *A.* I thought he was fully and justly entitled to it; he was leaving my office to become an officer of the State himself at a salary of \$2,500; he had been a very valuable man, and is to day, and I will take him back in the office to-day, if he wants a position, at a great deal more salary than I ever paid him.

Q. That is not the question, about Mr. Johnston's efficiency, I think, at all. And the \$500 paid to Mr. Dunning you say was from similar consideration? *A.* Precisely the same.

Senator Skirm—Is the same salary being paid these gentlemen now, or this gentleman Mr. Dunning, as that \$500 he had at that time?

Mr. Corbin—No; Dunning is receiving a hundred dollars a month now.

Senator Skirm—What did he get during the time when he got this \$500.

Mr. Corbin—A hundred dollars a month; for this last year returned here, 1893-4, Mr. Dunning receives a hundred dollars a month regularly, and in October 1893, an additional payment of \$200; in March, 1894, an additional payment of \$300.

Senator Skirm—Do I understand then that that was for extra services rendered.

A. That was additional compensation for the services rendered; for extra services rendered, and the services were rendered in good faith and the vouchers taken for it, not as a present or gratuity but for services actually rendered to the State; the State had full value, and, moreover, I want to say that if you will compare the clerical expenses of my office with other offices of the State House

you will find that, including those sums, there was no extravagance. If I had given them \$5,000 and charged it to the State that would have been another thing. The salaries are reasonable; they are satisfactory to the clerks, and the clerks in my office have been there for a long time. Mr. Johnston came as a boy and graduated as Assistant Deputy Commissioner of Insurance, and I will take him back into the office to-day, if he wants a place, at \$1,800 or \$2,000. No, sir; I was not in the habit of giving away the State's money.

Chairman Voorhees—I understand that no demand was made by Mr. Johnston for this additional compensation.

Mr. Corbin—Mr. Kelsey says he thinks not.

Q. There is another item here, September, 1894, \$150 to Winans; all the other items are small, four dollars, three dollars, &c. That was for a similar purpose? A. No, sir; that was for cash disbursements covering a considerable period that year.

Q. For copying? A. Yes, sir; she is a typewriter and had done a good deal of work, and she works a good deal for the Chancery office.

Senator Skirm—Will you allow me to ask a question before you leave that subject, so as to make it all clear with Mr. Kelsey? As I understand these amounts—what salary was Mr. Johnston getting? A. \$125.

Q. (By Senator Skirm)—And he had been with you how long? A. He came with me in 1872.

Q. (By Senator Skirm)—And his salary you had increased gradually from the time of boyhood up to that time? A. Yes, sir.

Q. (By Senator Skirm)—But as he was about leaving you you believed that his services had been worth more money and you gave him \$500 additional? A. I did.

Q. And, Mr. Kelsey, when he left you in April, 1891, he had been with you half a year, that is, the half year for which you had not taken vouchers? A. Yes, sir.

Q. And you then took a voucher from him for \$1,250? A. Yes, sir.

Q. For his salary for six months at \$125, and the \$500? A. Yes, sir.

Q. And that voucher was turned into the State as \$1,250 compensation to him for six months' services? A. Not for six months' services; I won't say that, but the voucher probably read for six months' services; I grant that it did; I don't dispute that; I am willing to admit it.

Q. " March 28, 1891. Received, Trenton, N. J., from Henry C. Kelsey, Secretary of State, \$1,250, in full payment for services Department of State, Insurance Bureau, from October 1, 1890, to April 1, 1891. Thomas K. Johnston?" *A.* Yes, sir.

Chairman Voorhees—Was Johnston's salary deducted from the corporation moneys?

Mr. Corbin—This particular one was deducted from the insurance moneys; others were deducted from the corporation moneys that year. This paying of the \$500 was on the occasion of the separating of the Insurance Department from the Secretary of State's office, and Mr. Johnston became Deputy Commissioner of Insurance.

Chairman Voorhees—Has Mr. Kelsey been asked why that \$500 was not taken out of the \$4,000 of his allowance instead of out of this corporation money or insurance money?

Q. The Chairman asks Mr. Kelsey why that \$500 was not taken out of the \$4,000 allowance for clerical hire instead of out of the State Treasury? *A.* Because Mr. Johnston had been for years engaged almost exclusively upon the insurance work; he had charge of the insurance matters, and it was out of the education and the practice he acquired there that he graduated from his seat in that office to be Deputy Commissioner of Insurance, and he is fit to be Commissioner of Insurance, because it was services rendered strictly under the insurance act, Mr. Chairman, and I want to emphasize that.

Mr. Corbin—I hand up for the inspection of the Committee the schedule, together with the detailed statements accompanying it.

STATIONERY AND BLANKS.

The act to which I desire to call the attention of the Committee is the act of 1883, page 210. It is in regard to the printing of stationery and blanks and furnishing stationery for the use of the different departments. This act was amended in 1885, and the amendment will be found on page 210 of the Laws of that year:

" 4. It shall be the duty of the Comptroller to advertise in like manner, during the month of May of each year, for proposals for printing all blanks and furnishing all stationery required for the use of the several departments and public offices of the State government for the ensuing year,

in accordance with forms and samples to be submitted by them ; said proposals to be asked for not as a whole, but the stationery proposals to be made separate and distinct from the proposals for blanks, and the samples and specifications for each of the two proposals to be separately shown in the Comptroller's specifications and separate contracts to be made therefor ; and it shall be the duty of the head of each department and public office of the State government, in the month of April in each year, to furnish the Comptroller with a statement of the amount and kind of stationery, and with samples of such blanks as will be needed by their respective departments."

This act of 1883 marked a departure. It was intended to introduce into the furnishing of blanks and stationery for the State House, competition, and did introduce competition, and was an act undoubtedly in the interest of economy and efficiency in the public service. Instead of making every officer and every clerk of the State a purchasing agent, it proposes to introduce a little foresight into the management of the State House affairs, and to compel requisitions from State officers as to the blanks and stationery they would want, and to have the contracts open to competition, so that all dealers in those commodities and all printers would have an equal chance to share in the public service of that character. The law requires that in April annually each officer and head of department shall make requisition for what he wants during the coming year, one requisition for blanks, another for stationery. The Comptroller must advertise in May, and about the first of June award the contract for the coming year for all stationery and all blanks that he is requested to order by the different departments. Now, as a matter of fact, some of the officers of the State government do not make requisitions for what they want ; some make requisitions for part only, and a small part ; others make no requisitions at all for certain things, and the result is that while those contracts are given out, and that at very economical prices, after thorough competition by honest printers who desire to get the State's work, yet valuable printing of blanks and a great mass of other work of the State are not called for by a State officer ; but after the contract is awarded,

these are given out by them to certain favored persons at prices, not the prices bid at all, but at whatsoever prices are agreed upon or that the dealer sees fit to put on, to the very considerable loss and damage to the State. The prices for the contract work, when laid beside prices for the work not done by contract, will, I think, surprise you.

It is no doubt true that some stationery and blanks that will be required cannot be foreseen: it is quite possible that after the requisition is put in in April the Legislature may even as late as May pass laws which will require new blanks, so that it is not possible to deal finally with the subject in May, but substantially what is to be required ought to be known in the spring. Many of the blanks required are prescribed by law, particularly the important ones, and it is put upon certain officers to provide them, and they ought to be in the contract work if the contract system is to continue.

Q. Mr. Kelsey, in making up your requests to the Comptroller in the spring why do you not make requisition for the election blanks? *A.* I can hardly—let me see that act, please—I can hardly answer that question, except that our experience with some contract work in the office has been very unfavorable, and if we had the same class of work done by contract in regard to the election blanks that has been done—and quite recently—other public work printing under the contract system, it would throw the entire State in the greatest confusion in regard to elections.

Q. The law says that in making your requisition you shall furnish samples of what you want, which would naturally be last year's blanks; what difficulty would there be about a contract printer following copy? *A.* There ought not to be any special difficulty any more than there was last year in the printer of the public laws, the pamphlet laws, following the copy, but you perhaps yourself have had occasion to notice—perhaps been annoyed and confused by the character of the work shown in the pamphlet laws of 1894; the election printing is one of very great importance, and we have taken very great pains with it, and so far as I have any knowledge, never a single error has occurred.

Q. Well, that consideration hardly justifies a violation of the statutes, does it? *A.* We furnish a very large quantity of samples to the Comptroller; I have also done it this year, and I have done so always.

Q. The law requires you annually to publish a list of corporations. Why do you not put in a requisition for that to be done

by contract? *A.* Because the law requiring that was published subsequent to the contract act, and I think the election law was also, if I remember right.

Q. You had to furnish blanks under the old election law, didn't you? *A.* Yes, sir, for returns from the Boards of County Canvassers, but in regard to corporations, the act expressly provides that the Secretary of State shall pay the expense out of the fees collected, and it is the ordinary repealer, and I have never supposed, and don't now, in fact, I certified those bills on one or two occasions to the Comptroller, he has returned them to the office and they are—

Q. You also publish during the year circulars and copies of laws relating to corporations, and pamphlets, &c. Why are those not put in your requisition? *A.* Because the necessity for them cannot be foreseen.

Q. Isn't it inevitable; haven't you every year for many years published these circulars, more or less? *A.* I publish as fast as general public laws relating to corporations—and an act recently passed in regard to days of grace; while strictly it was not a matter for the office, it was a matter of such gross public importance that I had the slip printed and sent to every bank in the State, and as to the circulars, amendments and supplements to the Corporation Act which are issued from time to time, our practice has been to issue them in slips and pamphlet form just as promptly as possible and send them to every counsel—we have a record of counsel.

Q. The State Board of Health also publishes circulars and pamphlets, and during the year just as you publish them, and in similar form. They always put in a requisition to have it done by contract. Why could you not do the same? *A.* I don't know that they do that.

Q. They do. *A.* My attention was called to the 59th section of the election act.

Q. Even if you don't know how many circulars you are going to issue, what is to prevent your specifying that you will issue circulars of an uncertain amount and have them put in at so much a page, as they do in other departments. *A.* I don't understand that there is any provision of law requiring that, and so far as I have any knowledge of the operations of the several departments of the State government, it has never been done.

Q. Their requisitions show that it has, with some of them at least. *A.* That is possible, but I was not aware, nor am I now aware that any law provides that the printing which may be required by any particular office during the year, all that may

not be expressly specified at the time, shall be done at a given rate—at a certain rate.

Q. Let me read you this act again :

(Reads the act as above.)

Q. Now, do you not know that that law requires you every summer to furnish the election blanks? A. Yes, sir; and this is what the act says about it: That it shall be the duty of the Secretary of State, at the expense of the State, etc., and to provide a proper list, etc.

Q. And this gives you the method of providing that. Why do you ignore it? A. That act was passed long before this was.

Q. That doesn't matter; that doesn't repeal it. Why do you ignore this statute and not that one? Why don't you ignore the act you hold in your hand? A. This duty is absolutely imposed upon the office.

Q. So is this duty imposed upon you, in very clear terms. A. I am bound to furnish these blanks at the expense of the State; there is nothing in the act whatever about contract.

Q. That is already the law in the act of 1885; it has never been repealed. A. It may be.

Q. Isn't that the most expensive item of printing you do? A. I think so.

Q. It amounts to from five to seven thousand dollars a year, doesn't it? A. I can't say; the bills are certified to the Comptroller and paid by the Treasurer; it is possible.

Q. Now, I have before me your requisition for this present year of 1895; one for stationery, being for envelopes, paper, blotters, pens, etc.; the other for blanks. Now, of the election blanks, I see you put in only one, 3,500 election returns of justices of the peace. Why are not the other election blanks, which are more costly, much larger, and which are very numerous, put in? A. I really can't answer that question.

Q. Why should you put one in there and omit the rest? A. That is a question which I am unable to answer; I don't make up that schedule myself at all; the Assistant Secretary of State makes it up, and makes it up according to his best judgment and knowledge.

Q. You know of no reason for that discrimination? A. No, I don't.

Q. You know as a matter of fact that all blanks for election must be obtained? A. Yes, sir.

Q. Now, in the year 1894 I see a number of requisitions from your office for pens, papers and ink, but no requisition for blanks, if I have examined this paper correctly. Did you not

know of a certainty that you would require blanks during the year 1894? *A.* What is the date of the requisition?

Q. April, 1894. *A.* I think so.

Q. The election blanks were provided annually, were they not? *A.* Yes, sir.

Q. So in the year 1893 there appears to be no requisition for blanks from your office, and I believe that for several years past, if I have examined these correctly, there is no requisition for any blanks for your office; isn't it true that your office requires more blanks than any other office in the State? *A.* I don't know about that.

Q. But is there not charged by law upon you the duty of providing blanks in many cases? *A.* Yes, sir.

Q. And yet you have made no request for any? *A.* These election blanks, the law says they shall be provided by the Secretary of State at the expense of the State.

Q. The State will pay it; there is no doubt about that. It isn't for a moment contended that you must pay for any of these; but the method of it seems to be so plainly set forth in this act of 1885—don't you know as a matter of fact that this work costs the State a great deal more than it would if it were given out by contract, as the law provides? *A.* No, sir; I don't.

Q. You don't know that the rates you pay under your method are more than those that are paid under contract? *A.* I don't; on the contrary, if I should judge by the evidence which has been adduced before this Committee I should say that sometimes they might cost less; I believe it has been shown here that contract work was of a very expensive character indeed. It ought to be well done.

Q. The duty of taking the census is by the act of 1885, I believe, cast upon the office, or the providing of blanks for it? *A.* Yes, sir.

Q. Is that duty being attended to? *A.* Yes, sir.

Q. That is not being done through the medium of the contract system, is it? *A.* No, sir.

Q. Are the same forms being used that were used ten years ago under the act of 1885? *A.* That I can't say.

Q. The act hasn't been changed, I believe? *A.* No; no change in the act, so far as I know.

Q. That is a matter of very considerable expense, is it not? *A.* Yes, sir; and a great deal of work.

Q. (By Senator Ketcham)—Going back to the old matter. You have said substantially that there was a confusion in the various statutes and that you were not required, in your opinion,

to pay the moneys to the State at all; you have said that, substantially. In your statement to-day you say that you have the opinion of three excellent lawyers who conceived your view of the case? A. Yes, sir.

Q. (By Senator Ketcham)—I would like to ask if, at the beginning of the period when such confusion might have been in your mind, whether you asked the Attorney-General of the State for his opinion on that matter? A. There was no confusion, Senator, whatever; my mind was clear about it, and when I presented my accounts to the Comptroller the only exception he made to the account, the only question he raised about the accounts, was in regard to the allowance of four thousand dollars, as I have stated in the paper, and as I reiterate. We agreed upon that point; therefore there was nothing to refer.

Q. (By Senator Ketcham)—You never inquired, then, of the Attorney-General of the State for his opinion, because you felt there was no occasion for it? A. Certainly not; no, sir.

Mr. Corbin—I offer in evidence the requisitions made by the several State officers upon the Comptroller for stationery and blanks for the years 1889 to 1895, inclusive.

I wish to call attention of the Committee to the practice in regard to this matter of blanks and stationery. The Comptroller has a printed form, which he sends to all the State officers; he has supplied me with this copy:

“Dear Sir—You will kindly send to this office separate statements of stationery and blanks, with sample of each, that will be required for the use of your office during the coming year, in compliance with Section 4 of a supplement entitled ‘An act relative to public printing,’ approved April 7th, 1885. I have the honor to remain, very respectfully, (Signed) ——Comptroller.”

That is sent out to all. Now, as I have said, these requisitions do come in from some State officers; partial requisitions come in from some, and in some cases there is no requisition at all for blanks. After the contract is given out it has been the practice here, as the bills show which I have already offered in evidence, to proceed and buy what you want, where you please and at what prices you please, irrespective of this law. When the bill comes in to the State from the stationer the Comptroller doesn't find it upon the contract, and he is naturally slow to audit the bill, and so a little blank form has been devised which you will find all through

the State House here (we saw it in the State Board of Assessors) this little paper which I will show you, and which is used, I dare say, as much as any blank the State ever printed; this is filled out and attached to the bills:

“I certify that the necessity for the articles named in the above bill was not known at the time of making requisition for Stationery and Blanks, required to be furnished by contract by an act of the Legislature of 1883.” (Signed, &c.)

You will find that form attached to bills for blanks which the law has for many years required the State officers to annually provide.

Senator Skirm—And yet the Comptroller audits those bills and pays them?

Mr. Corbin—They are audited after this certificate is put upon them. You will find that attached within a few days after the work is given out, and you will find it, every month of the year, attached to vouchers. Now, it is hardly possible that mere slips of memory on the part of State officers can account for it. It is so frequently found upon vouchers in the Comptroller's office that it looks as if there were a persistent effort on the part of some State officers to evade the law of 1883.

I think, Mr. Chairman, that in view of the explicitness of the law of 1883 and 1885; in view of the statutory requirements for furnishing blanks; in view of the fact that this certificate is year after year put upon vouchers of the State, and that the State officers continually certify that they do not know and do not anticipate that these things are to be required which the laws relating to their office compel them to furnish, opens a very serious question as to what it all means. I shall adduce some evidence which may throw further light upon it. The amount involved, while not one of the greatest items of State expenditures, is yet a large one; the character of the practice seems to be serious; it has too much the appearance of a secret understanding, and it has grown to such a degree, there is more money spent this way than there is spent under the contract system, probably twice or thrice as much.

Senator Skirm—And of course more money paid for the things than under the contract?

Mr. Corbin—I think that will appear also.

JOSEPH L. NAAR sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. In Trenton.

Q. What is your business? A. Printer and publisher, and so on, collateral trades.

Q. Are you the publisher of the "True American?" A. Yes, sir.

Q. And also a job printer? A. Yes, sir.

Q. How long have you been engaged in job printing? A. Oh, since I was 21 years of age, and I am 52.

Q. You have done a great deal of it, haven't you? A. Yes, sir.

Q. And are an experienced printer? A. So counted.

Q. Successful printer? A. I learned the trade as a printer, and I have been a publisher and an employing printer ever since I was 21 years of age.

Q. What is a fair percentage of profit in job printing? A. Well, I don't know.

Q. Your 31 years' experience ought to give you some sort of guide. A. I don't know; I don't suppose there is a printing office in the State which bases its profit upon any ascertained or formulated rate of expenses; you take the stuff as it comes in and you print it, and you charge about what it costs you, and a fair profit.

Q. What is that fair profit? A. That I can't say.

Q. (By Chairman Voorhees)—What do you count it, personally? A. I don't count any percentage.

Q. You know that you do get a good percentage of profit? A. No, I don't; because the amount is never ascertained; for instance, a man brings in a job and you have to set it up; you give him a proof, and the job may be altered, and you take the time to correct it, and you take another proof.

Q. Well, that is all part of the business? A. That is part of the business.

Q. That occurs every day, doesn't it; you say the true sum is never ascertained; so you don't know whether you are making or losing on the job? A. You don't take that into account—I don't.

Q. (By Chairman Voorhees)—How did you ever get the establishment you have if there is no profit in the business? A. I got it built up from the newspaper; I make my newspaper carry the burden; I run my newspaper for the people, and as such it is respected in the community and supported, and that helps me to

carry it on; I don't run my newspaper as an adjunct to a job office.

Q. That is interesting but not cognate. My question is, about what is a fair percentage of profit for a job printer? *A.* I can't tell you; if you count upon the expense—

Q. Upon the cost of the work? *A.* I know of no way to estimate it unless you take the year's results.

Q. You have got a reputation of being a pretty good business man? *A.* Only perhaps in the newspaper business.

Q. If you did a job of printing you would know about what it would cost you? *A.* As a matter of fact, I do not.

Q. You know what your men's wages are? *A.* Yes, sir.

Q. You know what your press-work costs you? *A.* Yes, sir.

Q. You know what the ink costs? *A.* No, sir; I don't know what my ink costs.

Q. You know what your plant is worth? *A.* Yes, sir.

Q. And you ought to know, after 31 years, what the depreciation on the plant is. *A.* Don't hold me responsible for my mental deficiencies.

Q. You don't know at the end of the year whether you have made or lost? *A.* I do know, every quarter.

Q. I am going to hold you responsible for your mental qualities—a man who has built up a newspaper that is so successful. *A.* If your experience is anything like mine, you will find that mental capacity isn't an inherent quality of a newspaper.

Q. Your mental deficiency is rather arithmetical than journalistic? *A.* To be serious, now, I don't want to evade the tenor of your question. I mean to say this, that in any special individual job the actual cost and the elements of the cost are not computed, except roughly, and there is no percentage added to it.

Q. Take a whole lot of jobs, all the jobs you do in a year for a house, would 10 per cent. be a fair profit? *A.* Well, I suppose if you got 10 per cent. from everybody upon all the money expended in the material and labor, it might be considered a fair profit; if a man did a business like a grocery business, where we have our purchases and sales, you could tell what percentage will carry you through.

Q. 25 per cent. would be a fair profit, wouldn't it, any way? *A.* I should suppose so.

Q. 50 would be more than enough? *A.* Possibly.

Q. And 100 would be rich, wouldn't it? *A.* It would be considered quite favorable.

Q. What would you think of 200 per cent.? *A.* I should say

that a man was doing a business under conditions which ought to enable him to succeed.

Q. (By Senator Voorhees)—As a matter of fact, would he succeed in a business in which he was making 200 per cent?
A. I don't know.

Q. Would he have any patronage at all? *A.* It depends on what your line of business is.

Q. Job printing? *A.* It depends on the person and the way in which the work is done; many people come to the "True American" office and have work done, expensive work done, simply from the fact because, as one man said to me himself, "I don't have to read the proof after you except to discover the errors that you point out to me;" that was Mr. Barker Gummere.

Q. Then you have an efficient proof reader in your establishment? *A.* Sometimes I posed my own mental intellect in that direction.

Q. That doesn't come very high, does it? *A.* You can't tell; it is impossible to tell what comes high.

Q. Did you ever do any printing for the state of New Jersey?
A. I have, for every branch of it.

Q. Job printing? *A.* Yes, sir.

Q. Did you ever bid since 1883 on this annual contract of furnishing blanks and stationery? *A.* Not in any sane moment.

Q. Did you ever when you were insane? *A.* I think not.

Q. Did you ever bid at all? *A.* I don't know; I think perhaps the first year; I made an effort in that direction and got all of it, upon a small margin, and gave it up.

Q. You bid and got the contract once? *A.* On the printing.

Q. For blanks and stationery? *A.* For the stationery.

Q. Not the blanks? *A.* I think not.

Q. You gave it up. Do you mean to say that you have done no blank printing for the State since? *A.* Under contract?

Q. I didn't qualify it in that way. *A.* No; I have done printing of blanks for the State of New Jersey, for every department of it, at the request of every officer, to whom my bill has always been presented for verification of the fact that the work was done, and it has been.

Q. You see you are answering a good many more questions than we are asking. *A.* My mind runs along; I am somewhat charged up.

Q. You haven't done any then except on that one occasion under contract? *A.* I think that was the stationery contract.

Q. And that was all the contract work you have done? *A.*

A. Yes, sir; and I can explain that to you if there is anything to be based upon it.

Q. No; I only want to know about work done since that time?

A. Yes.

Q. Now, some 22 years ago—have you continued annually to offer your services in the way of printing blanks for the State?

A. Hardly that.

Q. Your services have been sought after? A. I have held my services at the command of the officers of the State.

Q. You have done printing? A. Yes, sir.

Q. Others have bid? A. Other printers have bid; yes, sir; I assume so.

Q. And has there been enough left that didn't go under the contract to give you some work every time? A. Well, I don't know whether that is exactly a fair statement of it or not. I have been, while this work was being done, called upon to do work, and I have done it.

Q. Haven't you done rather more of this blank printing work than any other printer in New Jersey, even though you haven't bid? A. I assume that; that is, more of the State work; I assume so.

Q. Well, how did you manage to get more than anybody else, although you ignored the contract system entirely. A. I presume, according to the necessities of the State and to the turn which these people, some of them, had had in my direction for years; I don't know any other reason.

Q. You can make more without bidding than you can with bidding, can't you? A. I am certain that I wouldn't bid, because I couldn't make anything out of it, and I know I have made money upon the work I have done.

Q. It was more profitable for you to refrain from bidding, and getting what you could outside, than to bid? A. Yes, sir; but the two don't run together; I haven't refrained from bidding because I could have made more outside of it.

Q. Haven't you said a good many times you didn't bid because you could make more without bidding? A. I think not.

Q. Substantially in that form? A. I think not.

Q. Is it true? A. I doubt it.

Q. You think you could have made more by bidding? A. No; I don't say that, but I don't say that I ever staid out. I have said that I wouldn't bid because the thing had been cut to death, and I wouldn't go into it; I would not take the labor to make up the contracts that these people make for what they get out of it.

Q. Have you any data to go by to determine whether you have made or lost money on the printing you have done for the State? A. I should say, without any figures for it, that I have made. I estimate upon the figures of my business, in which that is not the whole support; the State isn't the only person for whom I do printing, by a great deal.

Q. You think you have made? A. I know I have made.

EDWARD FITZGORE sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Trenton.

Q. What is your business? A. Printer.

Q. Do you do job printing? A. Yes, sir.

Q. How long have you been in that occupation? A. Since 1870; twenty-five years.

Q. You are yourself a master printer, are you? A. Yes, sir.

Q. I show you a list of the corporations of New Jersey from 1846 to 1888, printed by Naar, Day and Naar in 1891. Have you examined that pamphlet? A. Yes, sir.

Q. Have you carefully counted the amount of matter in it and made an estimate of the value of that book and the cost of printing it? A. Yes, sir.

Q. The edition which was printed is one thousand copies. Did you estimate on that number? A. Yes, sir.

Q. How do job printers in Trenton pay their printers, by the piece or by the week? A. By the week.

Q. Is all job printing done in Trenton by the week? A. Yes, sir.

Q. That is the uniform custom, is it? A. Yes, sir.

Q. What is the price of wages per week? A. \$14.

Q. How many hours of labor is that? A. 55 hours.

Q. Now look at that book and tell me the result of your calculation; tell me first what it would cost in Trenton to print one thousand copies of that book in that style and quality—the cost without any profit? A. \$468.17.

Q. What is a fair and usual profit for printers to obtain in their business of job printing—what do they expect? A. There isn't an exact profit.

Q. What is a good-sized one? A. Thirty-three and one-third per cent. is a good profit.

Q. That is as much as you expect to realize? A. Yes, sir.

Q. Add 33 $\frac{1}{3}$ per cent. profit to your figures? A. \$156.02.

Q. That makes a total of— A. \$624.19.

Q. The State paid for that book, as is shown by voucher we put in, \$1,777.47, or a profit of 277 per cent. Look at the one published in 1890 by Naar, Day & Naar, being the list of 1889; what would it cost to make 1,000 copies of that book; it has 42 pages, or 44? *A.* Net cost, \$102.

Q. What is your profit on it? *A.* Thirty-three and one-third per cent., \$34; total, \$136.

Q. The State paid for that \$351, or a profit of about 250 per cent. Look at the list of corporations of 1890, 58 pages; what would it cost to print 1,000 copies? *A.* \$150.

Q. And your profit? *A.* Thirty-three and one-third per cent., \$50; total, \$200.

Q. The State paid \$526 for that, or 251 per cent. profit. Look at the annual list for the year 1892; what is the cost of printing that pamphlet—two thousand copies? *A.* \$298.40; 33½ per cent. profit, \$99.46; total, \$397.86.

Q. The State paid \$1,064.45, or a profit of 257 per cent.; look at the list for 1893, being this pamphlet of fifty odd pages, of which 850 copies were printed; what is the cost of printing that? *A.* \$243.20; profit, \$81.07; total, \$324.27.

Q. The State paid \$951.86, or 290 per cent. profit.

Q. Now, look at this larger book, being the list of corporations from 1846 to 1891, inclusive, having some 290 pages; what is the cost of printing that book? *A.* \$1,259.70; profit, \$419.90; total, \$1,679.60.

Mr. Corbin—The State paid \$4,685 for that book, or 272 per cent. profit, or more than \$3,000 in addition to the 33½ per cent.

The total cost of printing these books, Mr. Chairman, according to this witness' testimony, was \$2,530.47; the State paid \$9,397, or an average of 268 per cent. profit on the work; at 33½ per cent. profit the bill would have been about \$3,300 instead of \$9,300.

Q. Did you compare these figures that were charged with the contract figures for these several items? *A.* Yes, sir.

Q. How did the prices paid by contract compare with the prices charged on these bills? *A.* Well, the 33½ per cent. is a little low.

Q. The contract work then had something more than 33½ per cent. profit in it? *A.* Yes, sir.

Q. About how much profit? *A.* I would like to state right here that this work is what the printer calls "phat" work; you take the regular run of book work and 33½ per cent. is a fair profit, but when it comes to table work, which a printer always

calls "phat," a man can make often times three times and four times as much as he can by setting the plain matter.

Q. In the first place, this book is all tables? A. Yes, sir.

Q. And it is all charged double rates for that? A. Yes, sir.

Q. Let me call your attention to another matter. Do you find this leaded? A. I find it "slugged," as we call it in the printing business.

Q. So that there are but few lines of printing on a page? A. A blank line goes between each line.

Q. And how about these blank spaces of printing; I see that a single line is printed only about half way across; does that relieve the work also? A. Much less time is consumed in setting it up.

Q. In estimating this, how much have you estimated that a man could set up in a day? A. One page.

Q. Couldn't you set more than that? A. Yes, sir.

Q. Couldn't you set two? A. No; I won't say that.

Q. But you have given them the benefit of the supposition that a man could only set one page a day? A. That is the way I figured it.

Q. That isn't a very big day's work? A. It isn't an extra day's work; no, sir; I could do more of it.

Q. (By Senator Skirm)—Is that work more difficult than the ordinary work? A. Yes, sir; it is paid double for.

Mr. Corbin—Difficult as it is, the Senators will remember the testimony with regard to the German printing, that all the printers want this tabular work, and the testimony was that this difficult tabular work had a great profit in it; because, in the first place, you get double prices for it, and as Mr. Fitzgeorge has stated, there is "fat" in it; and you will see, also, that the headings run along the same.

Witness—The printer gets more for setting that than he does for setting ordinary matter.

Q. Not by the week? A. He gets the same money.

Q. Now, I see this work charged by the thousand ems; do you observe what it was charged by the thousand ems? A. 75 cents.

Q. Now, suppose that it is set up at \$14 a week, and the job printer gets his 75 cents a thousand ems, as Mr. Naar did in this case, how much does he make on every day's labor of the compositor. A. Ten dollars a day.

Q. That is, every man who works on that book setting the

type earns for his employer out of his wages ten dollars a day?

A. Yes, sir.

Q. If the employer charges the State at the rate Mr. Naar has charged here? A. Yes, sir; it foots up between \$12 and \$13; and the man who sets it up gets \$2.55 a day.

Q. To put it in another form, Naar, Day and Naar got between \$12 and \$13 a page for setting that book up, if they hired their men as others do, and to set that book up it cost them two dollars and a fraction? A. Yes, sir: providing the men set a page a day, and that is a fair average I should say for a day's work: the price, 75 cents, of course is high; there is no question about that; the contract price on the State reports of the same kind has been as low as 21½ cents, I guess.

Q. About thirty is the average of the contracts? A. Somewhere around that, but the school report, which is the same thing almost, they have done for 21½ cents.

Q. (By Senator Skirm)—Then at that contract price what would that page cost them to set it up? A. It costs them \$2.55, of course a trifle more for proof reading; they have to be very careful with it; it takes a little time.

Q. (By Senator Skirm)—In your calculation you have estimated that proof reading? A. Yes, sir; now, if a person was setting that up and every line was solid all the way across it would take twice as long to set one page; I will not say twice as long.

Q. (By Senator Skirm)—It would take a longer time? A. Yes, sir; a great deal longer time to do it; but if that was set up solid there would be only a day's work in the solid.

Q. If that book had been given out by contract that year at the same rates other contract work was done, what would it have cost the State? A. I don't know the prices at that time: it has been done as low as 21 cents.

Q. 30 cents you will find it is, and a good many times about 26? A. There are 8,700 I think in a page; that would be at the rate of \$2.61 to pay the compositor or to pay the contractor.

Q. And what did the State pay for this one? A. The State paid between \$12 and \$13 for the composition; take it at 21½ cents a thousand, that brings it considerably lower.

Q. Well, if it had been given out by contract under those figures the book would have cost less than half what it did cost? A. Yes, sir; it is a very fat book; you don't often get matter of that kind to set up; it is a very "fat" book; of course there is a "pick up" on each page—on every two pages—one-fifth or one-sixth of the copy used every time.

Q. From your examination of it, have you any doubt in your mind whether the man who printed that made a profit or a loss on the job ; Mr. Naar doesn't seem to be quite clear ? A. No, sir ; if a compositor was working on that at the regular price, he himself would make a very nice sum each week on it.

Q. (By Senator Skirm)—How so if he gets \$14 a week ? A. Providing he worked by the piece, at the uniform rates—the uniform rates are 35 cents a thousand.

Q. But job work isn't done that way ? A. No ; it couldn't be done that way because of the intricacy ; there are so many kinds of work to be done.

Recess.

Mr. Corbin—In opening the matter of the printing and stationery and advertising at a previous meeting of the Committee, I laid before the Committee some figures giving the total of these expenses for the past few years. For the year 1891, the total, as appears from the face of the accounts, expended by the State for this purpose, was \$174,694, and in 1892, \$177,998 ; in 1893, \$186,938, and in 1894, \$191,835. At that time I further stated to the Committee that there were stationery and printing that did not appear on the face of these accounts at all, and I hazarded the statement that the entire expenditure of these items, if the truth were known, was not less than \$200,000, but rather more. I call your attention now to the fact that these bills which I offered this morning, paid by the Secretary of State to the firm of Naar, Day & Naar, do not anywhere appear in the State's accounts. The Treasurer's report contains no reference to them, nor the Comptroller's accounts nor any other publication which you can find.

Senator Skirm—Why should they not ?

Mr. Corbin—For the very reason that Mr. Kelsey has expended the moneys in a way that is irregular and unusual, and outside of the ordinary system of the finances of the State. This affords a good illustration of what would happen if these irregular and unusual practices are allowed to extend ; nobody could tell you what the State would be paying for any particular kind of expense. For example, that one printed pamphlet I showed you this morning cost the State of New Jersey

\$4,680, and yet the expense nowhere appears in the public accounts.

Senator Ketcham—You said there was no record of that. Where did you get that record?

Mr. Corbin—The law is, as Mr. Kelsey has administered it, that from the moneys that come to his hands he reserves what he finds it necessary to expend and expends it among his own private funds; in other words, out of his private funds in the Mechanics Bank; he is administering the affairs of the government without keeping any public record of the details.

Senator Ketcham—Then do you get this amount from his private account?

Mr. Corbin—I got it exactly so.

Senator Skirm—It should really appear in the Comptroller's and Treasurer's account, like any other item paid by the State.

Mr. Corbin—It should, of course, under any sound system of financial management. The only reference to it is to be found in the voucher which he returns with his annual statement; he says, "I collected from all these sources last year \$130,000, and I have taken out of it for expenses \$8,000," or whatever it was.

Senator Skirm—Supposing, with a dishonest man as Secretary of State—which, of course, there are no charges against Mr. Kelsey—but suppose with a dishonest man, he might run that \$8,000 or \$80,000.

Mr. Corbin—There is no limit whatever to it.

Senator Ketcham—How is that amount made up at the end of the year?

Mr. Corbin—These returns of Mr. Kelsey show that at the end of the year he has certified to the Comptroller that during the year he has received from all corporations, say \$130,000, without the details; just simply one line, and in the next line that he has spent out of that, say \$8,000, and he hands in the balance, say \$122,000.

Senator Ketcham—He had a series of books here two weeks ago; did your helpers here add them up to see whether the \$130,000 corresponded with this?

Mr. Corbin—No, sir; we haven't made any examination of the books.

Senator Daly—The Comptroller should do that: that is his duty.

Senator Skirm—The trouble is, that the Comptroller, apparently, hasn't controlled for the past fifteen years; he has apparently taken everything for granted and simply signed his name.

Senator Daly—Well, we can try this one.

Senator Skirm—This one is all right.

Senator Daly—Well, we will see.

Mr. Corbin—I think Senator Daly's suggestion has weight. One of the sections of the Comptroller's act does say that it shall be the duty of the Comptroller to examine and audit the accounts of all the officers who have authority to collect revenues of the State, and to himself institute and prosecute proceedings against those who are delinquent in paying them over; it is his duty to keep an eye upon it.

Senator Skirm—I think the remedy will be at the meeting of the Legislature on June 4th, to particularize and specify this law that the Comptroller and other State officers may know their duty.

Senator Daly—The ignorance of the law does not excuse them.

Senator Skirm—It seems to have done so.

Mr. Corbin—I was directing more particular attention to the law itself, which allows such expenditure of moneys by the Secretary of State. No officer should be allowed to expend State moneys as he sees fit, and in a way which leaves no public record. Moneys ought to be paid only on warrant of the Comptroller.

Senator Skirm—The law permits that, does it not?

Mr. Corbin—It has been so construed; the law would permit it to be paid by the Comptroller, too, if there was a disposition on the part of the State officers to do the business in that way—there is plenty of law for it.

Senator Ketcham—Does more than one department follow that way of spending money?

Mr. Corbin—No; I don't know of any other case. The lunatic asylums draw their money in lump sums, and, I think, also the Reform School; they draw it quarterly, a lump sum; out of that they expend for all sorts of purposes; I have no doubt they do some printing and buy some stationery.

Senator Skirm—But right there, these institutions are controlled by a board of managers or commissioners or trustees or directors, one or the other, and they, of

course, must audit these bills, and do—I know, in the case of one institution or two or three, that these bills are audited by the committees, and there is some supervision of the accounts.

Mr. Corbin—Certainly; that system has taken very deep root in our affairs in New Jersey; that is, when a board is put in charge of an eleemosynary institution they are given their money quarterly, and they are held responsible for its proper expenditure.

At first sight it might seem that it would be better to have all those details go through the Comptroller's office, but probably the established method is the wisest and most economical way. It is impossible for the Comptroller's office, or any other office, to enter into every detail of the vast affairs of the State government, and probably it is better to put the money in the hands of a board, and hold them responsible; but this is quite a different thing; here is a State officer, right in the State House; his office should follow the usual methods of doing business, of course, and I think, if the Committee will allow me the suggestion, that his employes should, in future, be paid as others are, by the warrant of the State; that the expenditures to be made there should be drawn from the treasury. The putting of our funds into the private pocket-book or private bank account of any man, to be spent by him, seems to me highly improper and unbusiness-like; and I have drawn attention to it with the view of its correction by the Legislature.

Now, you will observe, in the year 1892, there was paid out for the printing of this pamphlet, nearly \$5,000, in one single item; you add that to these expenditures I have mentioned for the printing and stationery, and you will see already that I have nearly accounted for my \$200,000, which I prophesied these items cost; and when you take into account the expenditures of the Boards, there is no doubt that these expenditures have run above \$200,000. In this present year, 1895, in view of the great cost of the printing of the laws, which has outrun all expectations, it will go very much above \$200,000. The printing of the laws this year will probably cost from \$130,000 to \$140,000 under the present system.

Senator Daly—Is that in excess of last year?

Mr. Corbin—Yes, sir; last year was \$85,000.

Senator Skirm—A great many more laws and more newspapers.

Senator Daly—This was a year of economy, you know.

Chairman Voorhees—I think you helped make a good many of the laws.

Senator Daly—But you, gentlemen, must bear the burden.

Senator Skirm—But you voted for most of the bills?

Mr. Corbin—Now, to take up one branch of this matter of printing and stationery, and that is this matter of annual contract, the Committee will see by a glance at the Comptroller's report, that that system, as the State officers have administered it, has broken down, and for the very reason that I stated this morning; the officers of the government do not make requisitions for the full amount of what they will want. The most expensive printing is not returned, as Mr. Kelsey admitted—that is, the election blanks and such things as that; and you will find, running all through these thirty odd accounts or statements of the Treasurer's reports for printing blanks and stationery, most of which could be foreseen, that they are not there. Now, for example, I have in my hands a schedule of the stationery, blanks and printing done by Naar, Day & Naar, which he has testified to you was not done under contract, and you will find that this firm alone has rendered bills running from \$15,000 to \$20,000 a year—more than all the contracts given out for such work, twice over; only a small part of it is really given out by contract.

Senator Skirm—And mostly by the office of the Secretary of State.

Mr. Corbin—There is, too, stationery and postage charged in that account; it runs, \$4,690, \$4,290, \$4,300, \$7,100; then the court expenses, which runs from a thousand to sixteen hundred dollars a year, and not charged to printing, where you would expect to find it; these bills run up from \$5,000 to \$7,500 a year.

Senator Skirm—I presume the Attorney-General is the law officer of the State; why should there be any expenses to other lawyers when the Attorney-General has been drawing immense amounts of money from the State for the last eight or ten years, not only with his

own salary, but with fees and expenses to other lawyers; why should the Secretary of State employ anybody else except the Attorney-General?

Mr. Corbin—This legal expense which I speak of now is printing; there is an account in the Comptroller's office called "legal expense account," and these bills are Naar, Day & Naar's bills for the printing of that department.

Senator Ketcham—Who printed the pamphlet of the election laws; is that included in that bill?

Mr. Corbin—Naar, Day & Naar did that, I think.

Senator Ketcham—Who settles upon the amount of each of these to be printed?

Mr. Corbin—You will observe under the present system Mr. Kelsey does the whole thing by private management.

Senator Ketcham—In Essex county we have 128 election districts, and I was informed we got 7,000 copies of this election law, when 1,000 is ample.

Senator Daly—They need instruction up there.

Senator Ketcham—Not any more than they do in Hudson.

Senator Daly—They don't need any instruction there.

Mr. Corbin—Not in the manipulation of elections, no.

This printing of stationery goes on, legal expense \$200 to \$500; one year \$1,900; the militia, \$200 or \$300; advertising, that means printing the laws—that of course goes to every newspaper; advertising, \$800 or \$900 a year; State Board of Health a little; State House expense a little; State Board of Assessors' bills, several hundred dollars per year; incidentals, a matter of a thousand or two thousand a year; this is all from the face of the printed reports of the State Treasurer. In 1890 the bills were \$16,861; in 1891, \$13,514; in 1892, \$15,519; in 1893, \$18,664; in 1894, \$14,160; to that must be added the bills exhibited this morning through the Secretary of State's office, and other bills which do not appear upon the surface of the reports.

Probably it would not be much out of the way to say that the bills of the firm of Naar, Day & Naar alone were \$20,000 a year for work done outside of the contract for stationery and printing. If the ratio of profit is similar to that of which we have had evidence, it is easy to see that the State is a very good customer.

Senator Skirm—Didn't I understand Mr. Kelsey to say this morning that the reason this work was done this way was because it was done much better than the current printing was done in 1894?

Mr. Corbin—That does not excuse the violation of the law. The law says it shall be done by contract, and every April the Secretary of State is to make a list of what he will want, and he must anticipate that he wants what the law says he shall get; and I don't respect that answer very much, wherein he says it might be done better by a certain other printer. There are other printers in this State, and a good many of them who can do work as well as Mr. Naar; but whether that is so or not, the State has decided that the average contract printer is as good as it wants. Now, just look at the position in which this places the State officers and printers; here is a printer the aggregate of whose bills are larger than any other printer who does work for the State. He tells you under oath that he has refrained purposely for twelve years from bidding, and yet, immediately after the bidding is given out, he gets the work, and more of it than anybody else. The officers of the government who give it to him certify over their signatures that they did not anticipate it was going to be required.

The bills come in here at double and treble the prices which the work would have cost if included in the contract, and year after year that thing goes on, and these officers certify those bills to be correct, and the bills are paid. Now, I want to know from some of my friends who are better versed in criminal law than I am, whether that doesn't constitute criminal conspiracy, to defraud the State on the part of officers and printers who do it. It is so deliberate; the law is there plainly defining the duty that must be done, and it is deliberately, habitually and annually disregarded, although their attention is called to it, as I have shown you, by the Comptroller's notice. Moreover, when these requisitions come in, a few blanks are included and all the rest left out, showing that the subject must have been in mind; it was not merely overlooked. I consider it a very serious development, and certainly this committee ought to take some step either in the way of a more

stringent statute, or else by taking the matter away from the officers entirely.

Chairman Voorhees—What is the use of talking; the statute is stringent enough.

Senator Skirm—Shouldn't the Comptroller have detected this system and have corrected it, because, as I understand, his power is absolute, and he needn't pay a bill unless he desires to do so, and yet this has gone along here for 15 or 20 years; the statute says it shall not be done until the Comptroller certifies these bills and orders them paid.

Mr. Corbin—I think, Senators, that a fair answer to that is this: Some stationery and some printing may not be anticipated, and it is inevitable that these requisitions may come for these things that do not go into the contract. They began to come in a small way, and these certificates were put on properly in many cases, and then it drifted and drifted until it has got to the length it has, and the Comptrolrier has, no doubt, settled down upon these certificates.

Senator Skirm—But if your statement is correct that these bills amount to a great deal more money than the contract printing, shouldn't the Comptroller, since 1891, have discovered that and have corrected it and repudiated these bills?

Mr. Corbin—So far as I have examined, I think the Comptrollers have made a fight over it—all of them; I think it has been a matter of some friction between them and the other officers of the State; but there has been this persistent disregard of the law, and the Comptroller has not gone to the length of absolutely refusing to pay the bills and bringing on a clash.

Senator Skirm—Of course he has paid the bills, and all the differences have amounted to nothing, and the State pays the Comptroller \$6,000 a year, I believe, for the purpose of controlling the finances of the State, and, as I understand, he has the absolute power, as there is no power to sue the State of New Jersey; he could have rejected these bills, and yet he has simply winked at them since 1891.

Mr. Corbin—It is a good deal earlier than that; it runs back to 1883.

Senator Daly—That is right, keep them all in.

Senator Skirm—I wanted within reason and within bounds.

Mr. Corbin—I think, that like most abuses, it is a thing that has grown, probably; but the fault at the outset is in the State officers not making the requisitions. Now, you understand these blanks which are printed are necessary; they are not improper printing; the fault is in not printing in the manner the law requires, and consequently doing it extravagantly, and making it cost the State a great deal of money.

Take for instance this matter of elections; the election blanks must be printed; they must be sent out in August or September. The Secretary of State must have them ready and he prints them. It would be a pretty serious matter for the Comptroller to refuse payment when these bills come in from the printers, and yet use the blanks in the election. The trouble is that in the April previous the law has been violated, not by the printers, but by State officers, who have withheld their requisitions.

Now speaking of the duties of the Comptroller to which Senator Skirm has referred it is well, in characterizing people's acts, to be accurate; I will read the fifth section of the Comptroller's Act of 1865:

“It shall be the duty of the Comptroller to superintend the collection of the revenue, to take general charge and supervision of all rights, interests and property of the State, to institute and direct prosecutions against delinquent officers of the revenue, and for just claims and debts due to the State, and to draw all warrants on the Treasurer in favor of such public officers as receive salaries from the State, and for the payment of all moneys directed by law to be paid out of the treasury, and such warrants shall designate the purpose for which they are drawn.”

There are other sections, but this one more particularly bears upon this.

I would like to ask Mr. Fitzgeorge another question or two with reference to this.

Q. You examined these pamphlets this morning, have you made an estimate of what they would have cost if they had been given out by contract at the same rates as those fixed in the annual contracts? A. I have made one; I didn't have time to do more than one.

Q. Which one? A. 1890.

Q. That was one of the small ones? A. Yes, sir.

Q. If given out under the contract of that year what would that have cost? A. The contract price that year was 25 cents a thousand ems; it would have cost that year \$156.71.

Q. I show you your estimate showing the actual cost with profit added was \$200? A. Yes, sir; but I want to say that this was much "fatter" work; there are lines that run through it; that was not included in the Board of Education work which I figured on.

Q. The State paid \$526.80; in other words, a much larger percentage of profit. This contract price for the year 1890, as I understand you, was 25 cents? A. Yes, sir.

Q. Other years it has been 26 and 30? A. 21½.

Q. But it has generally been more than that? A. That would bring this price above that.

Q. You haven't had time to go into the details of these, but generally speaking, if these had all been given out by contract, how much would they have cost in proportion to what they did cost; would they have cost half as much? A. No; I couldn't say what proportion, because this is a little different matter.

Q. But are you safe in saying that they would cost less than half? A. Yes, sir.

Examined by SENATOR DALY.

Q. There is one question I would like to ask. Are you engaged in the printing business? A. Yes, sir.

Q. Have you ever put in a bid to do State printing? A. No, sir.

Q. Have you put in a bid to do any kind of printing for any of the offices connected with the State? A. No, sir.

Q. This class of printing that has been done by Mr. Naar, these books—this is fat work? A. Yes, sir.

Q. That is not the ordinary job printing work, is it? A. No, sir.

Q. What kind of work would you call it? A. State work, we call it, always.

Q. But it is not within the line of job printing work? A. No, sir; it is work that I have worked on.

Q. (By Senator Skirm)—Whereabouts did you formerly work? A. Mr. Sharp's.

Q. And in estimating this class of work have you estimated upon the same principle that you would job work? A. Book work, yes, sir; if I was estimating for anybody on the work.

Q. That was a higher grade of work than job work, and I understood you to say the base of your estimate was job work?

A. No; the printer is paid no higher, but it may be superior printers—

Q. Isn't the paper superior paper? A. Yes, sir.

Q. Isn't the printing matter superior printing? A. Not as I know of; no, sir.

Q. Finer printing? A. No, sir.

Q. It appeared to me so by comparison with other printing, that is the reason I asked the question? A. I do it every day, that kind.

Q. I have compared it with some of the other papers, but you consider it a finer grade of work? A. Than what?

Q. Than the ordinary job work? A. Yes, sir; it is good work; it is well paid and it is done well.

Q. Well, now, for instance, have you never made as high as 150 per cent. in your business? A. Yes, sir.

Q. Have you never made as high as 200 per cent. in your business? A. Yes, sir.

Q. And 250 per cent.? A. Yes, sir.

Q. You didn't think that was exorbitant, did you? A. I thought it was a snap.

Q. Well, now, do I understand, then, that you characterize it as a snap, that you were dishonest in your prices, or that you were merely extravagant and exorbitant? A. Not at all, the opportunity presented itself and I took it, the same as I would take any other thing.

Q. At the time you charged that 250 per cent. made out of that work that you were performing that would have been about the same per cent. that other printers would have charged for like work, when you did it? A. Not necessarily.

Q. Every printer is in competition with the others for the trade, isn't he? A. Yes, sir.

Q. And he makes his price for the purpose of obtaining the work? A. Yes, sir.

Q. And I would believe at that time when you made that price of 250 per cent., or rather made that amount of profit, that that would have been the profit that the trade would have made on the same kind of work; don't you think so, and that you were not extravagant or exorbitant in your demand? A. I think I was; the opportunity presented itself and the party wanted the work.

Q. Wasn't it that class of work that demanded that profit; I don't characterize you as a dishonest man; I think you are a fair

business man, and I don't think you would willingly do wrong; I mean to say that at the time you made these prices, where the profits you made was 200 per cent. and beyond that, wasn't that the price that was general in the trade for that kind of work that you done? A. No, sir.

Q. What was a fair price that was being exacted by the trade for that character of work? A. I was glad to get 33 $\frac{1}{3}$.

Q. But you got 250; I ask you what the trade was demanding at that time for that kind of work; what profit they were receiving? A. 33 $\frac{1}{3}$ I suppose—about that—but then the opportunity presented itself to make a little extra money; I don't have in my mind any particular occasion, although I know I have done it.

Q. Does the trade generally govern itself by the opportunity that is afforded, and is the profit based upon that?

A. This is one or two special occasions which I cannot refer to at all now; it wasn't very often—not often enough.

Q. You are familiar with the technical term “fat work;” has that any application to that old principle of frying the fat out? A. I don't know.

Senator Skirm—That seems to have been the course, according to the evidence this morning.

Q. For this same kind of work that Mr. Naar performed for the State—you worked for Mr. Sharp? A. Yes, sir.

Q. Wasn't Mr. Sharp receiving the same prices on an average? A. No, sir; he was receiving more.

Q. Then you would call him—that would be double fat work? A. A double snap, that was.

Q. (By Senator Skirm)—It may be a little irrelevant, but was Mr. Sharp a successful printer? A. No, sir; he was not.

Q. (By Senator Skirm)—And, therefore, when he got more money than the work was worth he failed to succeed in business? A. Yes, sir.

Q. (By Senator Skirm)—And his business dried up and went away from him as it will with every man on that line of extortionate charges? A. I would like to say that at the time I was employed by Mr. Sharp, in 1873, the price per thousand was \$1; it was the regular price adopted by the State and they paid for all these pamphlets that were done for 21 $\frac{1}{2}$; they paid a dollar because that was the current price fixed by the State, but that didn't last but a very short time.

Mr. Corbin—If the Committee will suffer me I will say a word about this printing. It is true, as Mr. Fitzgeorge has said, that twenty odd years ago the price was a dollar a thousand ems and afterwards seventy-

five cents. These facts that I have brought out to you to-day, that such prices afford 200 or 300 per cent. profit, became known to the Legislature. This matter is not new in Trenton. The enormous abuses that grew up under these printing acts are obvious to any one who looks at these old reports. People who took the printing work from the State received it as a great political favor; the newspapers and the printers were named in the bills. You can look in the statute and you will see the names: Naar, Day & Naar shall print so many thousand copies of the laws, and so-and-so, of Camden, shall print so many reports, and so-and-so, of Paterson, shall print so many. It was a political bounty.

Senator Skirm—And went to both parties?

Mr. Corbin—Certainly it did, and it came to such a great abuse that the Legislature took it up in 1883, which is now twelve years ago, and tried to break it up by competition. But the State officers, for these twelve years have more or less thwarted the operation of the printing law in the way I have told you. Because these abuses have existed in the past and the State has been charged two or three prices, is that a reason why these abuses should be continued—isn't it an added reason for now ending them? It is perfectly true that these old prices of seventy-five cents a thousand are found on the statute book, but the act of 1883 was an effort on the part of the Legislature, which has not yet proved wholly successful, to break up this abuse.

Is it not fair that the State of New Jersey, which is absolutely good pay and prompt pay—these bills will show that they are paid in advance many times—whether they should not be able to go to any printing office in the State and get a job of printing done as cheap as any member of this Committee can get it, and yet no one of these printers would have the effrontery to charge you these prices. Every lawyer in this room, who has printing done, knows that he would not consider a proposition to print for \$10 or \$15 a page for one instant.

ELECTRIC LIGHTING.

I have another matter which I will present briefly to the Committee, and will then ask an adjournment for the day. It is in regard to some of the charges respect-

ing the plant of the electric lighting in this Capitol. The contract was given out in 1891, in the spring, for putting in certain electric light plant for some \$22,800. Another one was given out a little later for \$9,000 more, for certain fixtures. Both were given out to the Edison Electric Company; when the bills came in, additional items were added to the bills as extra work under the contracts and for supplies and additions of one sort and another; I believe the whole thing has cost the State somewhere between \$45,000 and \$50,000 up to the present moment for what you see in the building, and it ran on up to 1894, at several thousand dollars a year, for supplies and some globes and fixtures. Last year the entire expense was only a matter of \$29, but it had been \$3,000 or \$4,000 a year before, including lamps added from time to time.

I haven't had time to thoroughly go to the bottom of this business, but there is, on the surface of it, some evidence that looks as if 25 per cent. had been added to the bills by somebody. When these things are charged at or above the printed list prices, from which the usual deduction is 50 per cent., it is pretty evident that there has been a mistake in making out the bills, and on one of them a deduction of 25 per cent. "commission" has been taken off, evidently by an error. On others it has not been taken off. There are some other matters in connection with it; some of these things have been paid for twice.

I regret that I have not had time to perform the great amount of labor necessary to thoroughly investigate a subject like this. There are indications in it which I should like to have the time and the opportunity to follow out, but I can only give you a few hints of what this subject contains; and I may say here that I have met with the same experience with regard to a number of these matters that have been taken up. The labor to unearth the details is very great, and the time is simply insufficient to enable counsel to discover everything that might be discovered if we had the time.

CARL F. ADAMS, sworn.

Examined by MR. CORBIN.

Q. What is your residence? A. Trenton.

Q. What is your occupation? Electrical engineer.

Q. How long have you been an electrical engineer? *A.* For the last seven years.

Q. Are you accustomed to putting in electric apparatus? *A.* Yes, sir.

Q. And installing plants? *A.* Yes, sir.

Q. And furnishing supplies? *A.* Yes, sir.

Q. Have you examined these contracts and vouchers for the electric light plant in the State House? *A.* Yes, sir.

Q. The first contract is May 25, 1891, with the Edison General Electric Co.: it is a long contract with specifications, for \$22,899, and the details. The next contract is for certain chandeliers, \$9,000, awarded August 18, 1891. There seems to have been a little trouble about the bids, and the Governor appears to have referred it to certain officers in the State House who made a report, "Trenton, August 18, 1891, to Hon. Leon Abbett, Governor of N. J. We the undersigned, committee appointed by you to examine the bids and designs presented for electric and gas fixtures for the State House respectfully report that after a careful examination of all the designs and bids presented, and after hearing all the parties interested, we respectfully recommend that the contract for the fixtures be awarded to the Edison General Electric Company for the amount of their bid, to wit, \$9,000, which was the amount of the lowest bid received, the Archer Pancost Company, having likewise bid for \$9,000. William C. Heppenheimer, Comptroller; B. J. Ford, Superintendent; James Moylan, Architect." That was the committee to whom the matter appears to have been referred. "Approved, Leon Abbett, Governor, August, 1891." Those two contracts form the basis of what followed in the supplying of the electric plant. The whole charge ran very much above that—about \$46,000. I desire to call attention to a few items only. Have you examined voucher 1,758? *A.* Yes, sir.

Q. For \$313.77? *A.* Yes, sir.

Q. Being voucher of March, 1892, paid as extra work. Is that in the contract? *A.* No, sir; that bill ought to have been paid by the Edison Company.

Q. That is what I asked you, whether it is not included in the Edison Company contract? *A.* Yes, sir.

Q. What is that for? *A.* Mason work; they were to do all preparation work except the carpenter work.

Q. Look at voucher 2987 for the motor circuit, \$395; what is the list price of that? *A.* This was work done.

Q. Have you put down the price of the work? *A.* Yes, sir;

that work could have been done with a profit of 40 or 50 per cent., for \$300.

Q. What is the charge? A. \$395.85.

Q. An over charge of at least \$95.85 there? A. Yes, sir.

Q. Refer to the item in that same voucher of \$225.55; have you got that? A. Yes, sir.

Q. For 22 extra lights; what are they charged at here in the bill? A. \$225.55.

Q. And at the price charged in the bill? A. It figures out about \$10 a light.

Q. What do the specifications for that work say are to be charged for extra lights? A. In case any additional lamps are required, the price of each additional lamp is to be \$4; that is the list price.

Q. Those are charged at \$10 in the bill, although the contract says they shall be charged at four. Now refer to voucher 2891, an item of \$199; the list price is \$210; what is the usual discount on the list price? A. 50 per cent.

Q. They are charged at \$210? A. No, they are charged at \$199.

Q. Overcharging how much? A. About \$64.

Q. And the next item, voucher 3295, an item of \$195; list price, \$210? A. That is about \$60 overcharge; list, \$210; discount, 50 off, and the retail price is \$135—an overcharge of \$60.

Q. The next item in the same bill, \$394.50? A. The list is \$434; discount 50 off, the retail price would be \$285; overcharge, \$109.50.

Q. 2964 is the next voucher; look at that? A. This is a bill for one 6 K. W., charged at \$600; the list is \$600; discount 50; you can see there is about \$180 overcharge.

Q. That is, \$420 would be a full price? A. Yes, sir. Now, in addition to this bill here, there are three other bills for erecting and wiring, etc.

Q. Those are the smaller bills following? A. Yes, sir.

Q. \$70.33, \$14.60 and \$420 would be a full price for that lot? A. Yes, sir.

Q. And charged at— A. \$650 altogether.

Q. The next voucher, 3292, item \$1,985? A. That is to install one 20 K-W dynamo engine, &c., \$1,985. A. A good price would be about \$1,775.

Q. It is overcharged there? A. About \$210.

Q. Now look at bill No. 859.

Mr. Corbin—I call the attention of the Committee to this bill; it is the bill of January, 1894; the first bill

is a small one of \$82.60 and a commission of \$20.45, 25 per cent. shown on it.

Q. They sent the bill in first of \$82.60 and somebody might have referred to it and they sent afterwards and deducted the 25 per cent. off.

Mr. Corbin—You will find these bills according to this witness's prices had just about 25 per cent. added; this one has got the 25 per cent. taken off; it doesn't state for whom or by whom, or how or why, but there is 25 per cent. deducted from the face of it.

Senator Skirm—That was just before the meeting of the Legislature of 1894, when they barred the door.

Mr. Corbin—It seems to have been an inadvertence on somebody's part.

Q. Have you made an estimate on these fixtures which were contracted for at \$9,000? *A.* Yes, sir.

Q. Have you gone over them and examined them carefully? *A.* Yes, sir.

Q. What would be a full price for them with the 40 or 50 per cent. profit added? *A.* About \$7,500.

Q. \$1,500 overcharged in that? *A.* Yes, sir.

Mr. Corbin—These items that I have selected or that the witness has selected, amount to \$10,747; the overcharge on them according to his figures is \$2,309. The large contract, which is the principal part, has not been gone into. The Committee will observe that these are goods for which there are printed list prices with fixed discounts.

Q. Mr. Adams, did you ever do any work in the State House in an electrical way? *A.* Never.

Q. Were you on one occasion approached by somebody from the State House to do some? *A.* It was about a year ago, I suppose, a fellow came down and wanted me to make some prices.

Q. Was it while these fixtures were yet being put in? *A.* It was for the brackets which are in the passage way.

Q. What prices did you give him? *A.* Well, I quoted him a fair price.

Q. What was the price you named? *A.* \$6.50 apiece.

Q. What did he say? *A.* He said "can't sell them for this price; you can sell them a little higher;" he said "we got some bills in here already for the same kind of fixtures which cost a little more;" I says, "well—"

Q. Did he say how much more? *A.* He said "make it \$8.50."

Q. Did he tell you you could have the job if you would make it \$8.50? A. Yes, sir; and I said no, I wouldn't do it.

Q. (By Senator Skirm)—You wouldn't take it? A. No, sir; I told them I would sell them to him and he could do what he pleased.

Q. (By Senator Skirm)—But you wouldn't take the \$8.50? A. No, sir.

Q. (By Senator Skirm)—You mean to say that you asked him \$6.50 and he offered you \$8.50 and you declined to take it? A. I refused it, yes, sir.

Q. Did he say that he had been paying \$8.50 for them? A. That is what he said; I told him I would sell them to him if he wanted to give me \$8.50 for them himself, he could have them, but I wouldn't sell them to the State for \$8.50.

Q. Was \$6.50 the full price? A. Yes, sir.

Q. Did you get the job? A. No, sir.

Q. They were put in by somebody else? A. I suppose so.

Q. (By Senator Skirm)—Why didn't you get it? A. Well, I don't know.

Mr. Corbin—I think it is pretty plain, if a man wants to do business that way, that was the opportunity.

Senator Daly—The Senator from Mercer is anxious to show that there was one honest man in Trenton.

Q. (By Senator Skirm)—Who was the party who made you that offer? A. I didn't know him.

Q. Have you tried to identify him in the State House? A. If I ever was to see him, I am not afraid to show him up.

Q. Do you know what office he was employed in? A. I don't know.

Q. What kind of looking man was he? A. Big stout fellow; if I see him, I will know him.

Q. This was while there were fixtures yet being put into the State House? A. Yes, sir.

Q. (By Senator Skirm)—I would like the gentleman to be a little more specific, as to the time; a year ago was the middle of May, and last year—

Mr. Corbin—The bills show there were no fixtures put in then.

Q. Wasn't it nearer two years ago? A. No, about a year.

Senator Skirm—I am a little anxious about the date, because in April some time, it seems, that the administration of this building changed, about a year ago, and I am anxious to know whether this was under the new administration or under the old.

Mr. Corbin—I can only say to you that toward the end of the last fiscal year, under the change of administration, the entire cost of electric supplies for the year was \$26.40, against about \$3,900 expended for supplies and lamps, the year before.

Q. If you can find that man or can identify him, let us know?

A. Yes, sir.

Senator Skirm—Senator Ketcham states that the custodian bill last year was not passed until late in May, and therefore there was no change in the custodian until after May. I wanted to release the present custodian from any suspicion that he had been trying to get additional prices on these goods.

Mr. Corbin—Mr. Chairman, I am scarcely good enough book-keeper to explain the commission business in this bill; it is the bill of December, 1893, to the State of New Jersey for sundry electric light fixtures \$82.60, and then in red ink is deducted a commission of \$20.45, leaving net \$62.15. But another bill or credit memorandum accompanies it, General Electric Co. to B. J. Ford, Superintendent, for commission twenty-five per cent. on sale of the following fixtures to the State House, bill No. 4324, naming the fixtures, commission on \$82.60, \$20.45.

Senator Herbert—It appears that the State paid the \$81.20, and in order to straighten that out they have given the receipt for the commission.

Mr. Corbin—This commission bill doesn't seem to have been approved by the State House officials while the other is approved.

Senator Skirm—What is the amount of the voucher that is receipted?

Mr. Corbin—\$62.15, commission taken off.

Senator Skirm—That fellow made a mistake, and it was so apparent that it was taken off.

Mr. Corbin—Yes, the commission was taken off; the bill evidently came to the State for the full amount and a memorandum bill for the commission, directed to Mr. Ford, and by some mishap they have all come in before the financial department and the department have taken the commission off.

Senator Herbert—I don't understand that the State paid only the \$62 or \$63; I understand from that that the State paid the full amount of the bill \$82, and that

the additional bill for commissions is added for the purpose of explaining.

Mr. Corbin—No, the bill was rendered for the full amount, and the bill came giving Mr. Ford a commission of 25 per cent.; and Mr. Ford has declined the commission and deducted it.

Senator Skirm—I think that ought to be noted on the record.

Mr. Corbin—He has put it on record, that is just what it is. They have sent him this memorandum showing that he is entitled to 25 per cent. on the work and he has attached it to the vouchers and deducted the commission, and the State has paid only the balance.

Senator Skirm—That showed he was honest at that time.

Mr. Corbin—I think one witness swore here early in the testimony that Mr. Ford himself admitted that he did not take commissions. I remember that there was evidence of that sort at the beginning.

Senator Skirm—I think you had better hunt up that man, now, and have him here again.

Adjourned till Saturday, May 18th, 1895.

TRENTON, May 18th, 1895—10 A. M.

JOSEPH L. NAAR, recalled

Examined by MR. CORBIN.

Q. I observe that during the last five fiscal years you have presented between three and four hundred bills to the State for printing, aggregating with these which Mr. Kelsey gave you which did not appear on the State accounts, some \$20,000 a year. Who composed the firm of Naar, Day & Naar during these years? A. There was no firm of Naar, Day & Naar since 1884, I think. When was Cleveland first elected?

Q. In 1884. A. That year both my partners died and I managed the business for them personally until I purchased their interests, and with that purchase I purchased the right to use the name; that is all; I am Naar, Day & Naar.

Q. You are the sole proprietor of that house? A. I am the proprietor.

Q. And have been during these five years? A. Yes, sir; ever since; it went under the firm name as a matter of convenience in keeping up the old name.

Q. Anybody else any interest in the firm? *A.* Not a single soul, except in this regard, that I didn't pay off, and have not, the claim of Moses B. Naar, except by a chattel mortgage.

Q. (By Senator Skirm)—But they have no interest in the business? *A.* The business is mine; I pay interest upon what I owe the estate of Moses B. Naar; the estate of Mr. Day was closed out.

Q. You have, with that exception, been the sole proprietor of the business for the past five years? *A.* I have, sir.

Q. Have moneys been advanced to you to conduct this business by any State officers? *A.* Not by State officers.

Q. Well, any State officer? *A.* Any person holding State office?

Q. Yes. *A.* Yes, sir.

Q. Who? Mr. Henry C. Kelsey, in this way; now, shall I state the whole matter?

Q. Yes. *A.* I bought this concern—I was the youngest member of the firm and the one of least experience; I carried the load of doing, as most of the newspaper men in the town will tell you, three or four days work in a day, and I succeeded in getting it in such shape that I could run it successfully.

In 1888, about, I had an opportunity to buy the residence property in which I lived, which was in the hands of an executor and had run down, having been in a life estate; it was offered very cheaply indeed, for \$6,500. Offers by other people had been received, that is, other people had had the same opportunity and refused it. When I had that opportunity offered to me I went to Mr. Kelsey, and I said to him, "Mr. Kelsey, I have got a chance to buy a nice home in a good location, and I can get upon the property after I improve it, \$5,000; do you think it would be a good business proposition for me to go to your bank and say to them I want to borrow this money for the improvement of that property?" He said, "Yes; it is a perfectly valid proposition;" more than that, he said, "I will help you in it, and if you will put your account in my bank I will endorse your paper and we will carry it along." I did so, and he endorsed my note for \$2,500, I think, which was carried along for two or three years, about two years, when it was paid off. Afterwards the same sort of opportunity afforded for me to buy a business property on Warren street, a property which had been held by the owner at \$25,000, and he could not be induced to sell it; the business was being prosecuted in it by his son and a partner; that man got into difficulties; it was Mr. Philip Dunn; he was connected with the financial operations here, and failed. The property was in

the hands of Mr. George S. Grogan, as assignee. It was put up at public sale. I knew the thing was coming, and I was paying where I was, for miserable quarters, but splendid location, a rent of three thousand dollars a year. I saw an opportunity; I saw an opportunity to both get that property at anything like a reasonable price and put it in shape and save at least \$3,000 a year in rent. I went to Mr. Kelsey again; I went to him for this reason, other business men in this town—no man can say that I am in the note endorsing business; I never have done it—had a dread of it, inherited, perhaps, and therefore this man had been a friend of mine, and is a friend of mine, I went to him for help; he was connected with the bank; he said to me—I said I could raise a mortgage, a first mortgage of \$10,000, from the Saving Fund Society; I could get \$10,000, and the property I didn't know what it would bring, but I was asking if he would help me; he said he would, and when the sale came, I bought it for about \$16,500, I think, or \$17,000, something like that. I negotiated and asked Judge Lanning to take charge of the business and of the operation; Mr. Kelsey—I gave him a demand note, secured by some bank stock which I had at that time, and by a second mortgage on the concern.

Q. Demand note for how much? A. For \$10,000, and a second mortgage upon the concern.

Q. (By Senator Skirm)—To cover that? A. Yes, sir; when I bought this property it was a fine site; there was a part of a building on there, that was all; I had to go to work and tear down the building, the rear part of it, and rebuild and refinish and strengthen it, and everything of that kind, and it cost me very nearly \$30,000 after Mr. Kelsey had given me this endorsement of the note. He endorsed another note for me for \$2,500, which I paid in the course of time, after it had been reduced by the sale of this bank stock that I held. The \$10,000 then remained; the understanding of it, the agreement of the note was, and of the operation that I was to pay \$500 a quarter of the principal, and the interest upon the balance remaining. I continued that until about a year ago, when I had reduced it to something like \$5,000. Then for the advantage that I could acquire by having the two sums in a single mortgage, I secured the mortgage from Mr. Charles E. Green as Trustee of the Lawrenceville School, for \$15,000; with that paid Mr. Kelsey his balance, and I closed that operation. The \$2,500 that he had endorsed afterwards, as I say, I closed out by the sale of this bank stock which I had and which—that is the only State officer with whom I have had, or any person, until very lately,

when I bought my type-setting machines, and was making some improvements; at that time I borrowed from the bank \$5,000 on the endorsement of a friend, not a State officer.

Q. You have volunteered more than I should have asked you about your personal affairs? *A.* I have nothing to conceal about it.

Q. But you seemed to desire to do so, so I have not interrupted you? *A.* That is right; I respect the courtesy of it.

Q. The second mortgage on your printing house, which you have referred to, given by you to Mr. Kelsey, was the mortgage recorded March 2, 1892, I suppose? *A.* Here it is, mortgage and bond and note; here is the mortgage; that is the first mortgage that I made upon the property; this is the first mortgage, and that is the second mortgage to Mr. Kelsey, and the note.

Witness produced mortgage dated March 1, 1892, and recorded the same date; Joseph L. Naar and wife, to the Trenton Savings Fund Society, \$10,000, canceled October 29, 1894.

Also, mortgage dated March 1, 1892, by Joseph L. Naar and wife, to Henry C. Kelsey, for \$10,000, recorded March 2, 1892, Book 89 of Mortgages for Mercer County, page 229, canceled October 29, 1894, with canceled bonds accompanying both, and with note of March 1, 1892, for \$10,000, on demand, to Henry C. Kelsey, being the collateral note mentioned, the bond and mortgage and the eighteen shares of stock in the Mechanics Bank.

Witness—Now, I would say, as to those shares of stock, that, when I had reduced the sum owing to a certain amount, I forget what, I suggested to Mr. Kelsey that he let me withdraw the stock so that I could sell it and wipe out this other matter that I was carrying along and paying interest on; and he assented, and I did so.

Mr. Corbin—The endorsement of July 1, 1892, is: "Interest paid in full to date; balance of principal now, \$9,500. October 1, 1892, interest paid to date; balance of principal now, \$9,000."

Witness—I have, if you want, a memorandum which I had my book-keeper take from the books this morning, showing the quarterly payments.

Mr. Corbin—No; not at all; you have given more now than I wanted. "January 1, 1894, balance of principal on this note, \$6,500; interest paid to date; H. C.

K." "April 1, 1894, balance of principal, \$6,000; July 1, 1894, balance, \$5,500; October 1, 1894, balance of principal, \$5,000. Note canceled."

Q. It was in the year 1892, was it not, that the large pamphlet list of corporations was published, which came to some \$4,685?

A. There is one thing to be remembered in regard to the dates of those things, of that date of corporation up to or for the year 1892, and the book wouldn't be until 1893.

Q. But that was in fact paid for in the year 1892, was it not?

A. The book, yes, sir; September 29th, 1892, the memorandum is upon my books, printing and binding two thousand certificates of corporation, from 1846 to 1891, \$4,685.58.

Q. \$2,000 had been paid on account of that before, had it not, before the final bill was rendered? A. I can't tell as to that.

Q. The bill shows that; does your memorandum show when you got the final payment? A. Well, the charge I have here, the charge upon my books which is September 29th, 1882.

Q. And it was paid about that time? A. I take it so; yes, sir; I wouldn't say positively; about that time.

Q. I see you made these bills to the State of New Jersey, Department of State? A. Yes, sir.

Q. Were they entered in your general accounts with the State, or in a separate account? A. They were entered as under the head—we have an account with the State Department, and have an account with the Comptroller's Department and accounts with every other Department that we do work for; this was under the State Department account; this was in the account of the State Department.

Q. You are aware, of course, that this printing of corporation lists, and such like, was paid by Mr. Kelsey's individual check, whereas your other bills were paid by the State's warrant, were you not? A. I was after 1889; the report for 1889 was printed in 1890 really, went to the State Comptroller's and was paid by him.

Q. But after that? A. Yes, sir.

Q. Did you make any separate account of that on your books, or did you charge them up on your books to the State of New Jersey in your account with the Department of State? A. Charged them to the Department of State the same as the other things.

Q. But presented them— A. Made it separately; it was considerable of a book, and when it was done we made the bill for it separate from the current account and put it in.

Q. But it is entered in the same account? A. It is entered in the same account.

Q. How was it paid? A. It was paid by Mr. Kelsey's check, as I understand it and remember it.

Q. And that was so for the years that followed, up to 1894? A. I think so, sir.

Q. But in your books it will be found in the Department of State account? A. In the State Department; yes, sir.

Q. In that same year, 1892, August and September, you received some \$5,000, did you not, for printing election blanks? A. I will take your word for it; I don't know.

Q. But you did print them that year? A. What year was it?

Q. 1892? A. Well, when was the law—I suppose so; we have printed them every year since the law was passed, and it was passed in 1891; well, preparation was made for the election of 1892, I suppose; my impression is 1890 figures in it some where.

Q. Generally speaking, Mr. Naar, your bills for work done for the State were chiefly, were they not, for the Department of State? A. There was more done for that than for any other Department since these two laws came in.

Q. More than all the others combined, was there not? A. Since these two new laws came in more than the others combined.

Q. Probably three-fourths of your work is from that office? A. No, sir; not by considerable.

Q. Of course a portion of your work was also the annual printing for the newspapers the same as— A. The laws in the newspapers?

Q. Yes? A. Yes, sir; that was to a particular account, and that is newspaper account, and that we make no bill of, because the Comptroller's department settles the quantity and the price.

Q. It is the same as other newspapers, except that I believe you did render some additional service in supplying copies of the laws for the others? A. Yes, sir.

Q. (By Senator Skirm)—Who pays that, the Comptroller? A. It was put in the Secretary of State's bill and paid by the Comptroller.

Q. (By Senator Skirm)—But the special printing is paid for by the Secretary of State? A. Which special printing.

Q. (By Senator Skirm)—That is, the copies of the laws, or does the Comptroller pay that? A. The Comptroller pays that; he make up the account when the laws are printed; we take the newspapers to the Comptroller's office, and he goes over and measures how much it has been.

Q. (By Senator Skirm)—My question was, for the special copies of the laws which you send out.

Mr. Corbin—The special copies of the laws for the use of other newspapers.

A. For the use of other newspapers and for the current use of the Legislature; there is any quantity of them.

Q. (By Senator Skirm)—And the Comptroller pays for that?

A. That is paid by a bill upon the State passed through the Comptroller's Department.

I would like to explain a matter which came up at the last meeting which I think you did not fully appreciate, and which perhaps the expert did not fully appreciate.

Q. Proceed, Mr. Naar? A. You asked the question, and excuse me if I do not quote it right, because I didn't hear all of it, but you asked the question as to the price paid for this corporation work, and you asked it—

Q. I asked the expert what it would cost to do the work, and I instituted a comparison between the cost of doing it and the price which the State had paid you for doing it? A. Yes, sir.

Q. That was the gist of my question. A. The estimate of the cost which the expert presented was upon the basis of 75 cents for these pages; 75 cents per thousand, and 75 cents per token.

Q. The estimate of the expert was upon the theory that this work could be done by compositors getting \$14 a week for fifty-five hours' work, and he laid those figures opposite the bills which you rendered. A. At so much a page?

Q. He took your bills as they were; I had your bills here and offered them, let them be what they may. A. As I understood it, he was asked how much he could set off that, and what that figured at 75 cents a thousand.

Q. No.

Chairman Voorhees—I think you are in error about that.

A. I want to say, Mr. Chairman and Mr. Corbin, with all respect, that the bills for these bills for 1889, 1890 and 1891, were based upon sixty cents a thousand ems for composition, and for the press-work in 1892 on the first of July. On the fourth of July the Printers' Union changed the scale of wages, making \$14 the pay—not for six days, but for five days and a half, in theory; in practice, about five days and a quarter, getting ready about ten or eleven o'clock to quit; and more than that, that the value of this work—the cost of this work, particularly of this corporation work, of these bills is not wholly nor greatly in the first cost of the composition for this reason: That work is set up; it is, after the man sets it—as Mr. Fitzgeorge

said he could do it in a day—passed to other men, who take proofs of it; two men have to take the time to read it, and if you will read over one of those pages you will see it takes a good deal of time. The errors then have to be corrected and another proof taken, sent to the Secretary of State's office, there to be read with the copy furnished, with references to the original records—that proof corrected, and a third proof taken and sent to the Secretary's of State's office, to see that those corrections are made; and from there, after those corrections are again made, put upon the press; so, that is not all in this matter.

Q. You refer now, in speaking of the corporation work, to this tabular work, do you not? *A.* Yes, sir.

Q. Which is paid at double rates? *A.* Yes, sir.

Q. And what you have said about this care and these comparisons is applicable to all tabular work, isn't it? *A.* Well, no; in ordinary work you read your proof and send it in, and if another fellow wants to read it after you, you let him do it, but you correct your proof and put it on; this thing is a mass of personal names in which every element of accuracy is necessary; the title of a corporation is the great difficulty, names are peculiarly spelled, you can't tell whether it is right or wrong.

Q. That requires additional care in proof-reading? *A.* Yes, sir; and in time. Now, there is one other matter I would like to state. After you finished with me the other day, I found the heaviest part, like the alligator, was in the tail—

Q. Was the copy which you received for this corporation tabulated work in typewriting or in handwriting? *A.* As I remember it, every title was upon a blank prepared, which had the name of the corporation written upon it, and every item of the report; it was in separate blanks, and then they were copied from the different books, and then they were shuffled together and arranged in alphabetical order.

Q. It was such copy as you receive for making up a directory, a slip for every name? *A.* Yes, sir.

Q. Was that in typewriting or handwriting? *A.* My impression is it was in handwriting.

Q. Now, you said there was something else you desired to refer to? *A.* As to this price which I have charged of 75 cents per thousand—75 cents charged in some instances; every printer in Trenton, and in most cities, will tell you about the State rate and the legal rate, just as your bills of cost contain a legal fee or your officers were paid a legal salary.

Q. (By Senator Daly)—How is that legal rate reached? *A.* It is reached in this way: It used to be the custom in every year

for the Legislature to pass an act relative to public printing, which act fixed what things were to be done, how they were to be done, what price was to be charged for them and who was to do them; that was the Public Printing act; in 1883 there were two laws passed, approved upon the same day, the one providing for the contract work, to go into effect in the next year, because it provided for the initial steps to be taken in January and July of the next year; the other provided for the work of that year, and, in so providing, laying down the general conditions under which contract work was to be done when it came to be done, and which is still and does still prevail in fixing the character of the contract work; for instance, that the laws shall be so-and-so; that the House journal and the Senate minutes shall be so-and-so; that the bills shall be upon a certain paper and contain so many lines, and all that. In that law, which in the book of laws is subsequent to the contract law, is the statement as to what shall constitute the price for such things as shall be ordered by the Legislature outside of the things mentioned for which a price had been detailed; that price is 75 cents per thousand, and 75 cents per token, and that price has controlled other things, just as the State law in regard to the price for publishing the laws for newspapers controls the price for publishing other things for the State; for instance, the proclamations as to corporations, the Comptroller's notices, notices of Secretary of State, the Governors proclamations—all that is done, and the man sends the papers to the Comptroller, and that is figured up on the basis of the price for publishing the laws, and they bear the same relation to each other and have from time immemorial, to my recollection, and that is the basis of this charge of 75 cents where the charge of 75 cents is made.

Q. You mean this—that where no price is fixed that you regard that statute? *A.* Yes, sir.

Q. Why didn't you charge that price, 75 cents, in 1891, and along there? *A.* I can't give you any reason for it, except that I didn't; it seemed an extreme price, and it is an extreme price, there is no doubt about that.

Q. Those two acts of 1883 to which you refer are, as you say, both printed in the supplement to the Revision, but did you notice that the revisers say they have printed it there although it is practically superseded by the Contract act? *A.* Yes, sir.

Q. And, moreover, as you said, was not that act passed really for the use of that year, 1883; there is nothing there to govern after? *A.* There is if you look at that first section.

Q. I am quite familiar with the act. *A.* As to a memorandum by the reviser; I had the honor of talking yesterday with one of the revisers upon the subject and asking his legal opinion upon the matter, and when he went over the laws as they were upon the statute book, he said to me, "That note ought never to have been there."

Q. Why did you limit yourself to 75 cents; that law doesn't limit you to it? *A.* I always insisted it did.

Q. You say other printers know of such a thing as State prices? *A.* Yes, sir.

Q. In other words, you considered that that law of 1883 justified these rates which you call extreme rates? *A.* I did.

Q. If I had asked you personally for such a job you wouldn't have thought of charging me or my firm that, would you? *A.* Well, I don't know as to that, you know.

Q. If any private contractor had asked you for a job, you wouldn't for a moment have thought of entering any such price on my bill? *A.* A man came to my office lately and wanted me to do a job and offered me 65 cents for the composition and 55 cents for press work, and wanted me to do it.

Q. That is still less than the State rates? *A.* Yes, sir; but there is only one thing I want to emphasize in regard to this matter; I assume it is an important matter. I don't want to be put in the position of extorting money, even by friendly aid, and I don't intend to be put in the position of conspiring with anybody to extort money from the State. This State only in regard to the printing does its work by contract, or attempts to do it. It does not do it in regard to a salary of the State officers, it doesn't do it in regard to the fee of any lawyer, the compensation of any lawyer, nor of any other branch of business except the newspapers.

Q. Be careful how you assert the law; the salaries are almost all fixed by law, and limited. *A.* Are they put up by contract or proposals, is there any office to which the State says, now, here, if you will do this work for so and so you can do it?

Q. You are getting into to a very serious constitutional subject when you talk about selling offices. *A.* This is a sale of offices?

Q. No, it is no office; it is a sale of trade? *A.* Sale of patronage.

Q. But there are supplies obtained by contract under our system. *A.* I know that, but here was a general principle that was impracticable to work under; I have in my pocket now a letter from the Adjutant General to the Comptroller in response to a demand by the Comptroller, or rather a request, to the statement

that he—it was a notice that he had ordered so much out of the contract list, and calling his attention to the necessity of further and closer obedience of the law; Mr. General Stryker, in a letter which I have here, a copy of which he himself furnished me, speaks of the impossibilities of it; it is a practical impossibility in very many instances.

Q. When a contract is given to you there is no impossibility about carrying out that contract, is there? *A.* If there is I lose money by it; there is no impossibility about it.

Q. The difficulty you are speaking of is the difficulty of State officers anticipating all they are going to require? *A.* Yes, sir.

Q. That is a matter which need not really concern you; that is a matter for them to thrash out? *A.* Yes, sir; I am not caring anything about that, only that the sequela of the disease comes upon me; somebody has the fever and I have the eruption.

Q. What reason is there why you should not do this work for the State, when a State officer asks you for it, as cheaply as you would do it for me, or for any other reputable citizen who pays promptly? *A.* There are two reasons. In the first place, the State doesn't expect it; and in the second place the State, by its law, says that it does not expect it. All this printing was given out as a matter of favor by the Legislature itself, and they fixed the price themselves, and newspapers have been built up and sustained by it, and it is only when personal antagonisms came in and got the Legislature to pass this law that the system was changed; and whether it has been changed for the benefit of the State or not, I don't know, and from the investigations made by this Committee so far I can't tell, because the contract system is one which, touch it here was rotten, and touch it there and it was corrupt; there never was anything in the State law, so far as I know—

Q. If the other one was rotten, there was no way to get at it. You have given me, I think, the very best answer that can be given, as I understand you, to wit, that this printing from time immemorial was considered a matter of favor and political bounty, and was given out for the purpose of sustaining and supporting the printers and their newspapers, on some theory of public policy, or for other reasons? *A.* Yes, sir.

Q. Possibly to keep the newspaper from being too pertinent in its remarks? *A.* I don't know that; I find the more patronage I got the more impertinent I was.

Q. But your impertinence is somewhat discriminating? *A.* No, sir; no State officer can come into my office and tell me what he wants done, and I told one of them so to his face.

Q. Was it Mr. Kelsey to whom you told that? *A.* That was Mr. Kelsey. He said he wanted an independent newspaper; I said: "Mr. Kelsey, do you know of any newspaper office in this State, or any man in this State that can come into my office and tell me what he wants said, and what he don't?" He says: "I don't," and then I says "I guess I am pretty near as independent a newspaper as there is in the State of New Jersey."

Q. You are the first Democrat I have found that could stand up against Mr. Kelsey. *A.* You have been searching exclusively among Democrats—

Q. (By Senator Ketcham)—Your mental capacity served a good turn that time? *A.* Yes, sir.

Mr. Corbin—I said that the witness, I thought, had really given the very best answer that could be given to the question why the State should pay so much more than others; he says it has been from time immemorial a matter of political bounty.

Witness—The other reason is that if I had done business with any individual of this Committee for the past ten or fifteen years only by agents chosen by himself, and he had come to me and showed me these accounts and said, "Show me whether you have any collusion with other people to defraud me," I would have told him, "You go and get it." The State of New Jersey brings me here and submits me to the criticism, the vilest criticism of newspapers for months—brings it here and has those criticisms crystalized and imputations thrown out by a gentleman who is not to be beaten in a knowledge of the law, and yet who wanted to put upon those who were perhaps better acquainted with the criminal law, whether my actions were part of a conspiracy to defraud the State of New Jersey.

Q. When a man can by going across the street get work done for about half the price that you charge for it, what do you think of it? *A.* I wouldn't intimate conspiracy; I wouldn't try to find it with a man who had earned a reputation for honesty; I would try to find an honest reason for it.

Q. You can't deny that I have given you every opportunity? *A.* You have acted with me with perfect candor, and as a gentleman; I haven't the slightest objection to anything you have asked me or in the way you have treated me; I haven't been subpœnaed here; you have let me come when you wanted me, and I have come because I have nothing to conceal; I have done work for the State of New Jersey with all the officers,

through the Governor, through the Attorney-General, through everybody in the State House, at one time or another, and never in the history of my life has any man thought so little of me or so little of himself as to intimate in any shape or form that I should recompense that for which he had given to me as a matter of favor and kindness.

Q. That has not been charged against you by anybody that I know of? *A.* I don't know as to that; you will find—

Q. I don't think you will find that even by innuendo in anything that has happened here? *A.* Not here, but in the papers, which take this examination, in a paper which says "Go into the Secretary of State's office and look at Naar's accounts and see if you don't find fraud."

Q. You speak of the bitterness of these criticisms of your rivals in the newspaper business; why don't you send them as good as they send you; you have a newspaper that is read; wouldn't that be the proper way to meet them? *A.* No, sir.

Q. (By Senator Skirm)—Why not? *A.* I will tell you, because everybody is under a shadow of the sword; I can tell you right here and now, I stated a fact in regard to the expert employed by this Commission, an open fact, that he was a man who, having failed in his own business, had been put here to examine into the details of mine—to give the story of it; what is the consequence? You say, "Why don't you do it?" Now, what is the consequence? That man has been continued to go on; and I was told—I don't know with how much truth—but as I was told, "He is after you;" he says, "He didn't figure low enough before; he is going to figure lower—"

Q. I am indulging you too far when I suffer you to go into gossip about witnesses who have testified here. Would you disqualify a man as an expert because he happened to fail in business once? *A.* No, sir.

Q. A good many of you probably would have to step out of the witness chair, wouldn't you, if that was the case? *A.* A good many who have not had State printing; that is the great panacea of printers. Is there anything else?

Q. You doubtless misconstrued my purpose, as well as that of the Committee. It is not to do you any injustice, but it is to try to find a better method of doing this printing. *A.* I will join you in that, as I told you when I came to see you and asked you to spare me the annoyance of being brought here in connection with the events that were turning up, as the ploughshare turns up the bones on the battle-field, and you said to me, "I don't want to annoy you."

Q. That is true. *A.* And we talked the matter over, and you said to me further, "I may want to ask or talk with you about the proper remedies for this evil;" I said, "I shall be entirely at your disposal," and so I have been; any time you want to see me about it, or any of this Committee want a thesis on government printing—the decadence of the local newspapers—I shall be glad to do it. I am very much obliged to you.

Q. Do you think the present patronage system ought to continue of supporting newspapers by the use of State money? *A.* If you ask me I will tell you this: if the Legislature, which is the State, will fix a reasonable price and use the legislative power to designate the proper persons to do it, so as to build up these newspapers in the country and in the larger cities where they need it, it would be a great deal better scheme than to turn this matter over to the trickery of people who are driven—under the contract system as soon as the man gets in he commences at once to determine how he can cheapen it.

Q. That can be controlled by specifications, can't it? *A.* Experience shows not.

Q. Then to adopt your theory and go on as we have done and build up newspapers, ought we not, in justice, immediately to drop you and Mr. Murphy, and whoever has been living on the State for years, and take some fellow from Woodstown, or Englewood, or Hightstown? *A.* In view of my mental capacity, I have also a strong feeling of gratitude for what has been done.

Q. And a lively sense of favors to come? *A.* Yes, sir; and take what I may pick up on the sly.

Q. Well, sir, we will give your suggestion consideration? *A.* I have got nothing to conceal about this matter, nor my conduct with the business of the State, nor the officers of the State; my books are open to you; you can go there and I will give you all the information I have.

Chairman Voorhees—You have always expressed yourself willing to do that.

Witness—I am willing to do it; and I am glad to feel that there has been, on the part of the committee, no connection of impropriety on my part with what I have done; that has been my only dread and care about it; I wouldn't care three cents, as a business proposition, to come here and explain everything, but to roll a stone up hill is always hard work.

EDWIN FITZGEORGE, recalled.

Examined by MR. CORBIN.

Q. Have you made comparisons of the prices of stationery furnished to the State by Naar, Day & Naar under their contract of last year, and their prices for the same stationery furnished not under contract? *A.* Yes, sir.

Q. Have you a sheet there showing the comparison? *Q.* Yes, sir.

Q. These are a number of items taken from the bills for the purpose of comparison. Refer to your list and take the first item of combined fluid, which I suppose is ink; what is that in Naar's contract?

A.

Stationery.

Quantity and Description.	Naar's Contract Price.	Naar's Job Price.	Percent- age of Increase.
2 quarts Combined Fluid	\$0.62	\$2.00	220
2 quarts Stafford's Fluid .....	.83	1.50	80
2 pints Carter's Crimson Ink	2.07	4.00	93
1 doz. De Har's Pens, No. 6 .....	.82	1.25	50
$\frac{1}{4}$ gross Faber Hex. Pencils, No. 3	1.56	1.80	15
1 great gross Bands, No. 10 .....	.83	1.56	88
1 gross Spencerian Pens .....	.77	1.00	30
1 dozen Rogers' Knife Erasers	9.12	15.00	64
3 pints Pomeroy Mucilage	1.05	1.80	38
2,000 McGill's Fasteners, No. 1	1.65	8.00	385
5 dozen Gerber's Typewriter Ribbons	24.75	60.00	142
$\frac{1}{2}$ dozen Morgan's Mucilage Stands, No. 7,	2.48	7.50	202
1 quart Stafford's Combined Ink .....	.55	1.00	80
12,000 Notarial Waters, No. 3	12.87	28.80	122
	<hr/> \$59.97	<hr/> \$135.11	<hr/> 125

Mr. Corbin—The Committee will observe that the total of these prices on the contract of last year bought of Naar was \$59.97, and the total prices for the same goods furnished by Naar last year not in the contract was \$135.11, or, when not furnished by contract, 125 per cent. advance over the contract price.

Senator Skirm—Do I understand that these goods were furnished in the same quantity without the contract as they were with?

Q. How do you find these quantities in the contract and in the several bills, were they the same? *A.* I took the contract

and put the bills side by side, and only took those quantities that were exact, and the names of these things are just the same.

Q. (By Senator Skirm)—That is what I wanted to know, whether it was the same quantity? *A.* Same quantity every time; I didn't use any figures except where the quantity was the same.

Q. (By Senator Ketcham)—Did the same rule apply in cases where the quantities were not the same? *A.* I didn't examine them.

Mr. Corbin—This will illustrate to the Committee whether the contract system has economy in it or not. In the first place, Mr. Naar bid in competition with other reputable stationers for the furnishing of stationery in these quantities last year. He was the lowest bidder and secured the contract for the stationery work. It is to be assumed that he made a profit in it. These are standard goods, the prices of which are known. How easy to insert a clause in the contract that if more goods should be required of the same kind for the State during the year they shall be had upon requisition at the contract price, but there is no such clause, and when you send down afterwards for a dozen more jack-knives, or any other quantity of anything, here is 125 per cent. advance on the contract price. In other words, all the profit on the contract price is still retained and 125 per cent. more; in other words, you pay twice or thrice for your goods.

Senator Daly—Your insistent is that the contract system should be in vogue?

Mr. Corbin—Undoubtedly. Mr. Naar's suggestion, as I understand him, is that fraud is unearthed with competitive contracts. The trouble with the private arrangement is, you never can tell whether fraud is in it or not, for a man charges what he pleases. The contract requires everything to be put on record, and every opportunity is given, in such investigations as we are now making, to unearth any such frauds.

Senator Daly—That consideration you will find in every individual that deals with the State.

Mr. Corbin—I presume that is so. I am proving this, not for the purpose of casting any reflection on Mr. Naar, but to present the facts—you pay more than double the money when you buy in this way than you would if you bought the goods under contract.

Senator Ketcham—The law prescribes the contract system, doesn't it?

Mr. Corbin—One of the sections of the law of 1883 as amended in 1885 provides that in April of each year all the State officers and heads of departments shall make requisition upon the Comptroller for such stationery and supplies as they anticipate they will want, including blanks. Now in practice it is impossible to anticipate everything that will be required; that will be so always, of course, and when an officer is out of a certain thing, instead of going to the Comptroller and getting the same under a contract which would require more to be furnished, he goes and gets it at these double and treble prices, and as I said the other day that has gone to such an extent that the contract system for supplies has broken down, and you find five or six thousand dollars spent through the contract, and twice, thrice or four times that outside.

Senator Daly—Why not make a suggestion to make the Comptroller the delivery officer for all the departments?

Mr. Corbin—Even that might not be necessary. I think that if you will put into your act a provision that the contractors shall contract to deliver as much more as may be required from time to time during the year—and then as to this printing of blanks and printing of circulars, a large amount of which is necessary and legitimate, put into your contract that the printer shall print as many as shall be required of a certain circular at so much a page; then you can freely make requisitions upon him at any time.

Senator Skirm—The New Jersey State Prison advertises for all their supplies, and the supervisor simply gives the quantity, and he has a right to give that quantity and buy as much of it as he may need, or so much as his necessities require, at a fixed price for a given time, and that is the way it ought to be with the Comptroller here and with these State officers.

Mr. Corbin—Now, if you are going to have the contract system at all, it seems to me that is the obvious way to do it—our present contract system is too narrow.

Senator Skirm—I presume the method of buying under this stationery and printing contract—you take those prices; you are familiar with them, so am I.

Those goods there are put down at a ridiculously low figure; I don't suppose there is a dollar profit in the contract of Naar, Day & Naar or any other man; however, they would bid on that line with the idea that during the year they were going to furnish supplies at excessive prices, and therefore make their profit on that; whereas, if a man knew he was going to furnish his goods for the year, or for any given time, at the same figures, he would figure up to that standard so as to make something; but I don't believe there is a dollar profit in the bid of Naar, Day & Naar.

Mr. Corbin—The State ought to pay a fair price, but as I understand it, all the governments, from the United States down to cities and townships, do get their goods upon the contract system; that system is so firmly fixed in the administration of this country that it is almost too late to debate the wisdom of it.

Senator Skirm—But it should run during a stated period, and the prices would be fair prices for all articles that would be needed during the year.

Chairman Voorhees—That is the law in this State now; the provision of the law is simply being violated.

Senator Daly—I agree with Mr. Corbin; I don't think the law is broad enough; there are many loop-holes; I have read those printing laws in the last few days, and I must say that loop-holes are innumerable; there is not a thing that Mr. Naar has done, by a fair interpretation of those laws, that is not absolutely legal and beyond criticism.

Mr. Corbin—It may be legal.

Senator Daly—Yes, sir; clearly so.

Mr. Corbin—The act of 1883, to which Mr. Naar calls attention, does not seem to me to fix the price for the present printing; still, it is not worth while to debate here now that question; you are here to see what new laws ought to be passed; it is enough to see that it is not clear and right as it is now.

Senator Ketcham—It isn't all in the law; part of it is in the administration of it; I don't believe in blaming the law for everything.

Mr. Corbin—A willing mind can make a good administration.

Senator Daly—It is almost a necessity that a man is seeking to follow the strict letter of the law, and in

following the strict letter of the law you will find he is not violating any law that time and time again is charged against him.

Q. Have you examined the canvassing books, the poll books and register books printed by Naar, Day & Naar, for the use of the State? A. Yes, sir.

Q. Please refer to your canvassing book for the general election of 1893. Did you examine the bill for that book? A. Yes, sir.

Q. What would it cost to make it? A. \$382.03.

Q. Now add your 33 and a third per cent. profit. A. \$127.4; total, \$409.37.

Q. The bill for that book is \$840.05, or 127 per cent. in advance of the cost, according to the witness' testimony.

Q. Refer to the poll book. What is the cost of that? A. \$255.50; one-third profit, \$85.13, total \$340.63.

Q. It cost \$614.84, or 133 per cent. advance on the cost. A. I would like to say also that I received figures from another party in reference to that same book, and the cost price they say is \$216, and I have put it at \$255; I didn't intend to do that until Mr. Naar acted as he did in the matter.

Q. But your estimate is considerably higher than these stationers whom you have called upon? A. Yes, sir.

Q. Do you know whether these were made in Philadelphia? A. Part of them, I understand, were made in Philadelphia; they were ruled in Philadelphia and indexed, I believe, in Philadelphia.

Q. Refer to the register books; what is the cost of getting up that book? A. There were 1,850 copies of the other books and 44,625 of the register books; they cost \$803.98; profit, \$267.66; total, \$1,071.64.

Q. The cost to the State was \$2,187? A. I would say in that that I also have figures from another party, putting the cost at \$545.19; I figured it \$803.98.

Q. In making up your figures have you taken care to make them high enough in every respect to fully cover the cost of doing the work? A. I believe I have every time; I would take the contract at that price.

Q. And it would be easy, would it not, to obtain from stationers estimates much lower than those? A. They are there, and right there I would like to say in reference to that book on corporations that that is particularly "fat" work. I showed that at first—I tried to—that in setting that work a man could do a great deal more than he can on most any State work that is done,

and they do that at $21\frac{1}{2}$ a thousand which he charges 75 cents for; on that, with that contract price of $21\frac{1}{2}$ cents, he has charged 75 cents.

Q. That is, the State pays $21\frac{1}{2}$? A. Yes, sir, and I always understood that was the State price.

Q. For the same sort of work? A. Yes, sir; probably, as he says, there is more care taken with that, but as a general thing, I guess they don't see the proof on regular State work; that is something that the contractor would have to consider if he did on that particular work. I would like to say also in reference to the price per token, the price per token last year was 20 cents, and he charges right straight through 75 cents; it is done right along by contract at that price.

Q. Have you examined the election returns printed by Naar for 1893 and 1894 for the State? A. Yes, sir.

Q. A thousand copies of each? A. Yes, sir.

Q. What would that election return for 1894 cost? A. Well, I have figured these so as there would be no mistake; I didn't take my own idea what a page was worth, but I have taken the contract price.

Q. What would that book have cost the State at contract price? A. \$127.75.

Q. What did the State pay for it? A. \$366.21.

Mr. Corbin—If that had gone under the contract—that is simply book matter, 44 pages, the actual cost of doing it would have been \$127, and, adding your profit, perhaps \$200; but it did cost the State \$366. Now, do you want any better illustration than this sample of every-day printing?

Q. Look at the election returns of 1893. A. Yes, sir.

Q. A pamphlet of 31 pages; what would that have cost under the contract last year? A. \$49.06.

Mr. Corbin—It did cost the State \$121.49, or 145 per cent. advance on the contract.

Now, I am disposed to give full credit to what has been said about having work done well and having it done promptly and satisfactorily; I don't believe in the State's being niggardly about these things; I should be very sorry to see the State of New Jersey send out its laws and its printing in the shape that it comes to us from some other States; it is hardly respectable to send out such rubbish as some of the States do for the sake of paring economy; there is no handsomer or finer printing done in the United States than is done in New Jersey and

sent out to the Secretaries of States and Librarians of the other commonwealths, and I believe in keeping that up, and we can do it by contract, making the session laws of such a year the model; and requiring that quality of paper and that quality of work to be maintained, and that high standard of work need not be at all degraded; there are excellent printers in Trenton, and there are excellent printers in other parts of the State that can do this work, and if there is anything to be said in favor of encouraging them and giving them bounties, give them all an equal chance at it. But that is not what government is for; it seems to me the State is only concerned, the work be done properly, decently, and yet economically. I think it is the business of Legislatures and of officers to be quite as economical in the administration of State funds as they would of their own, or of trust funds in their hands. This can be done, and the State can be properly served and satisfactorily, without such extravagance and wastefulness as will bring disgrace and discredit upon us.

Q. Did you examine the register list of 1894? A. Yes, sir.

Q. This is it; what could that be done for; first state how many sheets? A. 3,750 sets of 8 sheets each, cost price, \$275.06; Mr. Naar's price, \$537.78; allowing a profit of $33\frac{1}{3}$ per cent., the price would be, \$366.74.

Mr. Corbin—These have been selected very much at random, from several hundred bills we have here, to illustrate what has been going on; as I have said to you, there are three or four hundred bills from Mr. Naar alone in the last five fiscal years; some of them may show larger percentages, or smaller—we have taken them as they came; the work of making the comparisons and calculations is great, and I have insisted upon it being done and verified with great care, solving every doubt against the State. I have done it to illustrate the extravagance of our present practices. Now, Mr. Naar, on the stand, took exception to my statement, with reference to what had been done between the State officers and printers, that it might be conspiracy to defraud the State. I don't wish to do any injustice to him or any State officer, and possibly it is beyond my province to make suggestions of that character. If it is, I certainly should not have said it; but to produce the facts in all their bearings, and all the facts, so far as I can learn them, does certainly

seem to be my duty; but I would not by an ill-guarded remark do any man any injustice or make any suggestion outside of my duty. I think it is only fair to say that in answer to what he said, in justice to him and any others to whom it might refer.

Mr. Chairman, I wish to open to-day for the consideration of the Committee the matter of the promulgation of the laws. For a long time this State has promulgated its laws; first by a printed volume, which is issued annually, some eight or ten thousand copies being printed for the use of State officers and the lawyers and justices of the peace, and all others who may desire them; the edition of some eight thousand which is now being printed is not too many, probably is about right; it has been raised to ten thousand, and was again reduced a few years ago; in 1891 it was cut down to five thousand, and that was found to be too few. The cost of that printing of the laws is about \$2,000 a year—often less. This method is entirely satisfactory. The work is well done and economically.

The other method which has been in vogue in this State for a long time is the publication of the laws in the newspapers, and that has been a burning question before the Legislature, State officers and among the newspapers probably for a longer time than any of us can remember. It leads to rivalries, bitterness and constant changes in the law. Year after year new laws have been passed upon that subject. One is set up only to be knocked down the next year. If members of the Legislature cannot secure the designation of the papers they desire, new laws are passed to accomplish their purposes, and regulations of a general nature which have been established have been overthrown to further special ends and preferences. The cost of this is a serious matter to the State, and has been so for many years.

I have had prepared a table running back to 1885; of course I could go back much further with equal results—but from 1885 to the present time, and it will be seen that the cost of publishing the laws in the newspapers has been about as follows:

In 1885, \$76,388; in 1886, \$47,949; in 1887, \$90,052; and I will pause there for a moment to explain the discrepancy in the year 1886. In that year this matter was up and considered with much care, and so difficult

was it to settle the problem that it was agreed finally to pass a law that \$50,000 should be the limit of money to be spent—considering that was extravagant. Yet we did agree upon that, and passed it, and the Governor and Comptroller were told to designate only so many newspapers as could publish the laws for \$50,000; and they did so, and \$47,949 was the amount; and yet, so great was the pressure upon them that the laws were given out to thirty or forty more newspapers besides those, and they were published, and the Comptroller's report came in the next year mentioning this fact, and saying in effect that it had been done under the expectation that the Legislature would pay the bills the next year.

Senator Skirm—In violation of the laws?

Mr. Corbin—No; they had a right voluntarily to print the laws if they chose to. They did come in and bring the necessary pressure, and with the concurrence of the Governor they did get a law through, and they did get \$35,000, which we thought we had saved the year before, in spite of the Legislature and everybody else who thought they had saved some money.

In 1888 it was \$79,999; in 1889, \$59,123; in 1890, \$105,824; in 1891, \$89,374; in 1892, \$74,511; in 1893, \$90,314; in 1894, \$78,538.

Now, I will show you that during this present year of 1895, when you have passed some large bills (even dropping out the Atlantic City Charter, No. 2, which has been rejected by that city), it will cost \$119,347 to print the laws already passed, and assuming that the Governor will sign one or two more in his hands, and that the Legislature will pass a few more when they come together in June, it will be no exaggeration to say that the cost of printing the laws in the newspapers this year will be \$125,000, and if you print Chapter 2 the cost will be \$9,000 more, or \$134,000. I may say right here with regard to Chapter 2 that it was a law passed at the beginning of the session for Atlantic City; the people voted upon it and rejected it; it is no use to anybody, but under the law you must publish it in ninety-one papers in Sussex, in Warren, in Hudson, in Essex, and all over this State, to the cost of \$9,000, all absolutely wasted money; and so obvious was this that the Chairman of the Committee and the Counsel

requested the Secretary of State to withhold that until the Legislature should reconvene in June, and see if they wouldn't pass a brief act providing that it need not be published, to relieve the State from that expense, and it has been withheld.

COST OF PROMULGATION LAWS IN NEW JERSEY.

Year ending October 31st.	Paid to each newspaper.	Total paid for publishing laws in newspapers.	Volume of laws.	Total for promulgation of laws.
1885.....	\$608	\$76,388	1,674	\$78,062
1886.....	817	47,949	2,097	50,046
1887.....	519	90,052	1,303	91,355
1888.....	881	79,999	2,364	82,363
1889.....	668	59,123	2,025	61,148
1890... ..	813	105,824	1,829	107,653
1891.....	841	89,374	1,164	90,538
1892.....	729	74,511	1,766	76,277
1893.....	847	90,314	1,989	92,303
1894.....	878	78,538	1,884	80,422
1895	1,300	119,347	2,565	121,912

In examining into this subject I sent circulars to eighteen States of the Union, including the six New England States, New York, Pennsylvania, Maryland, Virginia, and the great commercial States of the West, Ohio, Illinois, Michigan, Missouri and Kentucky, and I have received very courteous responses from the Secretaries of fifteen States, giving me their customs with regard to this, and most of them have given me the annual cost to those States of promulgating the laws, and the result is most surprising. We are guilty here of an extravagance that is unparalleled in any of those fifteen States; New York and Pennsylvania are the only ones which at all approach the figures which we show here.

Pennsylvania maintains the system of the publishing the laws in the newspapers as we do here substantially, and they do expend great sums of money just as we do here; their population is thrice ours, their area six times ours, their counties are about five times ours in number, and their wealth is probably at least ten times ours, and yet where we are going to spend this year in promul-

gating our laws \$125,000, they will spend only \$190,000, and they are exceptionally extravagant, as you will see.

New York State still maintains the publication of the public laws in the newspapers and publish in two newspapers of each of her sixty counties, and the appropriation last year out of the State treasury for the whole matter was \$125,000. They have six times our area; they have three times as many counties as we; they have four times our population, and they have, I suppose, twenty times our wealth, and yet they spend less than we shall spend.

Now, when you come to the other States, you will find in most of them there is absolutely no publication at all of laws in newspapers.

In the State of Maine there is no publication of the laws in the newspapers; they publish a volume which costs them \$3,500 a year, but they do also publish from the same type sheets which they will give to any newspaper who asks them, to the full extent of their circulation, if they want it, free; it is all included in the \$3,500. The entire cost in Maine of promulgating the laws is \$3,500; that is, sheets, volumes and all.

In New Hampshire they print only public laws in the newspapers, and they give them to each weekly paper in the State printing them; and their volume of laws cost them \$1,800, and the printing in the newspapers about \$6,000, making about \$7,800 altogether.

In Vermont the State pays for its volume of laws \$2,000, just about the same as here, and then prints one hundred thousand cheap copies for circulation and gives them to every newspaper that wants them, and they pay the newspapers fifty cents a hundred for circulating them. The total cost of the whole business in Vermont is \$4,000.

In Massachusetts they publish them in just one newspaper, "The Boston Advertiser," and that costs \$500 a year, and that is all the State pays, except for the volume of laws, which costs \$2,000. Probably the entire cost in Massachusetts is \$3,000.

The State of Connecticut does not publish them in the newspapers at all; they have a good edition of three thousand copies for officers and attorneys which costs \$750; another cheap edition of twenty-five thousand copies for the public, costing \$750, and then they pub-

lish another volume of the special laws, making the total cost in that State \$2,500 a year.

Rhode Island publishes them in every newspaper in the State; they pay a dollar a page; I don't know how many, but they only publish them in the locality affected; they don't publish every local law in every paper in the State, as we do.

In Maryland they limit the cost to \$600 per county, and \$1,800 in Baltimore. I guess there are about a dozen counties in Maryland; about \$12,000 or \$15,000 in that State.

It costs Virginia \$3,500 a year to publish the laws, printing, binding and distributing them free to all officials, and the State Librarian keeps them on sale. A number of the States have provision for the laws being sold by the county and State officers after they have given them out to the public officials.

Kentucky distributes them free to officials and to the State Librarian; do not publish in the newspapers; cost not stated.

Missouri does not publish in newspapers; the annual cost of promulgating the laws is about \$5,000.

Illinois, with three or four million people, publishes them not at all in newspapers, but the volume of laws costs them \$250 a year; they are distributed to all branches of the State and municipal governments; other people buy them.

Ohio prints in no newspapers, and the total cost in that State is \$7,000 a year, printing, binding and paper.

Michigan publishes in no newspapers; total cost last year, \$7,136.

I inquired also whether they published their documents or laws in any language except the English language. I had already learned that Louisiana, which formerly promulgated her laws in French, had abolished it some years ago. I find that no State publishes the laws in any language except English, except that in Connecticut, sometimes by special direction of the General Assembly a law is published in German. In Maryland there is provision for publishing in the German language in one paper, I think, in Baltimore. And that is all. In these great States, such States as Massachusetts and New York, and the New England States, and Pennsylvania, nothing of the sort is known.

CHARLES BECHTEL, recalled.

Examined by MR. CORBIN.

Q. Have you examined the laws passed at the session of the New Jersey Legislature of 1895 are counted the amount of matter and estimated the cost of printing the same in the newspapers? A. Yes, sir.

Q. I show you a printed bill to the State of New Jersey for publishing the following chapters, laws of the session of 1895; is this bill made up by you? A. I count the folios, and the Comptroller's office makes up this list from that count; I mark the folios on each law.

Q. Under our system the laws are published—all laws are published in all the designated newspapers? A. Yes, sir; ninety of them.

Q. I see in this bill you have one column of five or six bills called special laws for Bergen county, Burlington county, Gloucester, Hunterdon, Morris and Somerset. With the exception of those few bills, are all the laws passed published in all the newspapers? A. Yes, sir.

Q. Well, then, the laws passed relating to first class cities would be published in Cape May? A. Yes, sir.

Q. And the laws passed relating to fourth-class cities would be published in Newark and Jersey City? A. Yes, sir; whatever was designated.

Q. And the laws relating to boroughs would be published in Newark and Jersey City? A. Yes, sir.

Q. Have you estimated what each newspaper will receive for printing the laws already passed, omitting chapter 2, the Atlantic City charter? A. There are 3,249, at 40 cents, amounts to \$1,299.60; that doesn't include the "Law Journal" at all.

Q. The "Law Journal" is paid at a higher price? A. 60 cents.

Q. Have you an estimate here of what the "Law Journal" will get? A. Yes, sir; \$2,117.70.

Q. (By Senator Skirm)—They get more money? A. Yes, sir; they get 60 cents by special act.

Q. And are these figures on the back of this blank your figures? A. Yes, sir.

Q. The total estimate stated here for printing the laws this year is \$121,912.30; what will it cost to print the Atlantic City Charter, Chapter No. 2? A. It will cost to publish in all the papers about \$9,000.

Q. Is that all the newspapers—are there only ninety in the State? A. Ninety designated this year.

Q. (By Senator Skirm)—What does this designation here in this last column for special laws for different counties mean?

A. Relating specially to those counties.

Q. (By Senator Skirm)—There are so many laws passed by this Legislature that only pertain to first class counties? A. Yes, sir; I don't know why that distinction is made.

Mr. Corbin—I will state that in the printing law it is provided that acts which relate to only one county shall be printed only in that county, and that has been construed very strictly to mean an act which relates to the exact limits of that county; but more than half of all these acts on their very face show that they relate only to certain districts, and yet they are all printed everywhere under the present law. For instance, you know these long acts like the Newark and Jersey City Charters, the face of the act shows that they can only apply in those cities, but Cape May and Sussex papers print them; the Newark Park Act, a long act, is being printed in Cape May and Gloucester and Warren and Sussex, and everywhere else.

Q. Have the newspapers been designated this year? A. Yes, sir.

Q. I show you a printed schedule from the office of the Secretary of State; is this the designated list? A. Yes, sir.

STATE OF NEW JERSEY, DEPARTMENT OF STATE,

March 28th, 1895.

The following newspapers were designated to publish the laws of the session of the Legislature of 1895:

Atlantic.....	Times-Democrat	Atlantic City.
	Record.....	Mays Landing.
	South Jersey Republican	Hammonton.
Bergen.....	Bergen County Democrat.....	Hackensack.
	Republican	Hackensack.
	Times	Englewood.
Burlington....	Dispatch.....	Mount Holly.
	Gazette.....	Burlington.
	Mew Jersey Mirror.....	Mount Holly.
	News.....	Mount Holly.
	Register.....	Bordentown.
Camden.....	Democrat.....	Camden.
	Review	Camden.
	Advertiser	Gloucester City.

Camden.....	Daily Telegram.....	Camden.
	Courier.....	Camden.
	Daily Post.....	Camden.
Cape May....	Cape May County Times.....	Sea Isle City.
	Sentinel.....	Ocean City.
Cumberland..	Pioneer.....	Bridgeton.
	New Jersey Patriot... ..	Bridgeton.
	Republican	Millville.
Essex.....	New Jersey Deutsche Zeitung (Ger.)..	Newark.
	Herald.....	Orange.
	New Jersey Freie Zeitung Ger.)..	Newark.
	Daily Advertiser	Newark.
	Journal.....	Orange.
	Gazette.....	East Orange.
	Times.....	Montclair.
	Evening News.....	Newark.
	Sunday Call.....	Newark.
Gloucester....	Gloucester County Democrat.....	Woodbury.
	Constitution.....	Woodbury.
	Enterprise	Glassboro.
Hudson	Herald and Gazette.....	Jersey City.
	News.....	Jersey City.
	Democrat.....	Jersey City.
	Evening News.....	Hoboken.
	Evening Journal.....	Jersey City.
	Chronicle.....	Jersey City.
Hunterdon ...	Democrat-Advertiser.....	Flemington.
	Democrat.....	Clinton.
	Hunterdon County Democrat.....	Flemington.
	Hunterdon Gazette	High Bridge.
Mercer.....	True American.....	Trenton.
	Sunday Advertiser... ..	Trenton.
	State Gazette.....	Trenton.
	Press	Princeton.
	New Jersey Staats Journal (Ger.)..	Trenton.
Middlesex....	Press.....	Cranbury.
	Democrat.....	Perth Amboy.
	Times.....	New Brunswick.
	Home News.....	New Brunswick.
Monmouth....	New Jersey Standard.....	Red Bank.
	Monmouth Inquirer.....	Freehold.
	Journal.....	Matawan.
	Times	Long Branch.
	Democrat.....	Freehold.

Morris.....	True Democrat Banner.....	Morristown.
	Index.....	Dover.
	Iron Era.....	Dover.
	Jerseyman.....	Morristown.
	Express.....	Morristown.
	Bulletin.....	Boonton.
Ocean.....	Ocean County Democrat.....	Toms River.
	Times and Journal.....	Lakewood.
Passaic.....	Guardian.....	Paterson.
	Herald.....	Passaic.
	Press.....	Paterson.
	Morning Call.....	Paterson.
	Daily News.....	Passaic.
Salem.....	Sunbeam.....	Salem.
	National Standard.....	Salem.
	Monitor-Register.....	Woodstown.
Somerset.....	Messenger.....	Somerville.
	Democrat.....	Somerville.
	Unionist-Gazette.....	Somerville.
Sussex.....	New Jersey Herald.....	Newton.
	Sussex Register.....	Newton.
Union....	Union Democrat.....	Rahway.
	Constitutionalist.....	Plainfield.
	Record.....	Summit.
	Central New Jersey Herald.....	Elizabeth.
	Advocate.....	Rahway.
	Daily Journal.....	Elizabeth.
	Courier-News.....	Plainfield.
Warren.....	Gazette.....	Hackettstown.
	Star.....	Washington.
	Apollo.....	Belvidere.
	Warren Tidings.....	Washington.

Mr. Corbin—The Committee will see that there are ninety newspapers designated here, a list which is the extreme limit at the present time by the law of 1894, which provides for ninety newspapers; in addition to that is the New “Jersey Law Journal,” which is by a special act.

In our printing law there is a provision that the laws shall not be printed from plates, except the plates are made in the office of the newspaper where printed, and you will see an affidavit on the back of the bill which I

have handed up that these laws are not printed from plates.

CHARLES H. BATEMAN, sworn.

Examined by MR. CORBIN.

Q. Where do you reside? A. Somerville.

Q. What is your occupation? A. Newspaper man.

Q. What newspaper do you print? A. I am connected with the publication of the "Unionist-Gazette," of Somerville.

Q. Are you the editor of that paper? A. Yes, sir.

Q. Does your office print the laws for the "Unionist-Gazette"? A. Yes, sir.

Q. Your office also publishes, does it not, the "New Jersey Law Journal"? A. Yes, sir; prints it.

Q. I show you a circular; was that issued from your office? A. Yes, sir.

Q. When? A. About the time the papers were designated; I can't tell exactly.

Q. That is a few weeks ago? A. About the time the Legislature adjourned.

Q. The circular is as follows:

"SOMERVILLE, N. J.

"Can we arrange to furnish the Session Laws of 1895 for your journal?

"We will set laws in solid nonpareil (and print sheets directly from the type) just as rapidly as they issue from the Governor.

"Our charges will be:

"Composition, 7½ cents per 1,000 ems.

"Press work, per form, \$2 per 1,000 or less.

"Paper at cost.

Your earliest attention is requested.

"Very respectfully,

"The Unionist-Gazette Association."

Q. To whom did you send these? A. Sent them to quite a large number of papers through the State, not all.

Q. And did some of them respond? A. Yes, sir.

Q. And gave you orders for the sheets of the laws? A. Yes, sir.

Q. How many? A. I can't tell; I think I gave you a list.

Q. Some twenty-seven? A. Something like twenty-five, I think.

Q. I show you a list of newspapers; is that the list of those who ordered it? A. Yes, sir; that is right.

List of Newspapers for whom the Laws were printed by the Unionist-Gazette Association.

- “ Hunterdon Gazette,” High Bridge, Rep. W. G. Tomer.
- “ Unionist-Gazette,” Somerville. Bateman and Robbins as the Som.-Un. Asso.
- “ The Somerset Messenger,” Somerville. John H. Mattison.
- “ Somerset Democrat,” Somerville. D. N. Messler.
- “ The Constitutionalist,” Plainfield. A. L. Force.
- “ Union Democrat,” Rahway. Lewis S. Hyer.
- “ Clinton Democrat,” Clinton. John Carpenter, Jr.
- “ Home News,” New Brunswick. Hugh Boyd, James Logue, Rec.
- “ Passaic Daily News.” News Pub. Co., D. W. Mahoney, Ed.
- “ Central New Jersey Herald,” Elizabeth. F. S. Lockwood.
- “ Washington Star,” Washington. Charles L. Stryker.
- “ Plainfield Courier News,” Plainfield. F. W. Runyon.
- “ Orange Herald,” Orange. Hon. Thos. F. Lane.
- “ Orange Journal,” Orange. Edgar Williams.
- “ Montclair Times,” Montclair. A. C. Studer.
- “ New Brunswick Times,” New Brunswick. The Times Pub. Co. J. D. Chandlee.
- “ The Advocate,” Rahway. H. B. Rollinson.
- “ Long Branch Times,” Long Branch. Jacob Stults.
- “ The Summit Record,” Summit. Thomas F. Lane.
- “ The Press,” Princeton. C. S. Robinson & Co.
- “ Gazette,” Hightstown. Thomas B. Appleget, Pub.; Fred. B., Ed.
- “ The Bulletin,” Boonton. Samuel L. Garrison.
- “ Daily Herald,” Passaic. Vanderhoven & Engeman.
- “ East Orange Gazette,” E. O. Charles Starr.
- “ The Register,” Newton. Richard F. Goodman.
- “ The N. J. Herald, Newton. Jacob L. Bunnell.
- “ The New Jersey Law Journal,” Plainfield. A. V. D. Honeyman.

Q. In furnishing these newspapers do you print the name of the newspaper at the head of the sheet? *A.* Yes, sir.

Q. And such date as they give you? *A.* Some of them we print the date of their issue on, and others we do not, as they want.

Q. And you give them as many copies as they desire for their circulation? A. Yes, sir.

Q. Do you also make the page of such a size that it will conform to their issue? A. Yes, sir.

Q. The sheets which you furnish to the different newspapers are all printed from the same type, and you print your own newspaper from the same type? A. Yes, sir.

Q. And for the "Law Journal" from the same type? A. Yes, sir; all made up differently.

Q. To fit the page of these different papers? A. Yes, sir.

Q. I show the Committee some twenty newspapers from different parts of the State; for example, the "Summit Record." Mr. Thomas F. Lane's paper, and the "Orange Herald," also Lane's paper. Did Mr. Lane take two? A. Yes, sir.

Q. One for each of his papers? A. Yes, sir.

Q. (By Senator Skirm)—Does he publish two papers? A. Yes, sir.

Q. These are all printed by you, are they? A. Yes, sir; I think all; I didn't pay attention when you first began reading the list, but they are all there.

Q. I see that these papers are of different sizes and shapes, so that your columns have to be arranged for the printing of the different editions? A. Yes, sir; the make-up is different for the different sizes; probably five or six different sizes.

Q. Do these rates that you have stated in your circular apply to all papers having a circulation of a thousand for a complete copy of the laws so far as promulgated this year? A. We charge $7\frac{1}{2}$ cents a thousand.

Q. What does the bill come to? A. \$61.25 for the composition.

Q. And how much for the press-work for a thousand copies? A. If it is a four-page paper, why, it is \$2 a form; if it is an eight-page paper, why, it is \$4.

Q. About what does it come to? A. It is hard to tell.

Q. Well, suppose a two-page paper? A. It is twice as much as if it is an eight-sheet paper.

Q. How many sheets are there? A. I don't know how I can hardly average that; the amount runs from about \$95 to \$150.

Q. For the whole bill? A. For the different papers; yes, sir.

Q. (By Senator Skirm)—For the laws that have been published up to this time, or the entire laws? A. Up to this time; they are all completed now; we have completed all laws we are publishing.

Q. (By Senator Skirm)—Then, do I understand that you get \$95 for what the State, according to Mr. Bechtel, pays \$1,299 for? *A.* (No answer).

Q. Your whole bill to the newspaper is about what? *A.* \$95 to \$150; that is all we charge these papers.

Q. (By Senator Skirm)—What I want to know is, here are two papers that are published by the same party in two different towns, the Orange "Herald" and the Summit "Record;" who is the publisher of those? *A.* Thomas F. Lane.

Q. (By Senator Skirm)—Then, here is a gentleman that gets twice \$1,299, or about \$2,600, for which he pays how much?

Senator Ketcham—It averages \$120 a paper.

A. That doesn't include the cost of circulating these papers.

Senator Skirm—I would be very glad to circulate them at any such price as that.

Witness—I was going to say that each of these papers if they do the work individually, of course, it would cost them a great deal more.

Q. (By Senator Skirm)—But instead of their doing the work individually and spending the money among the printers as a benevolent act, they come in and simply pay you about \$125 and they reap about \$1,300 from the State. Now, if it could be done that way the State might just as well publish them in one place and pay \$125 and circulate them all through the State. *A.* Yes, sir; but the circulation is something too.

Q. (By Senator Skirm)—Who reads them after they are circulated? They go in the waste basket, I understand. *A.* We get 60 cents a folio for all our legal advertising, and we only get 40 cents for this.

Q. These twenty-seven papers whom you served with these sheets pay you on an average for it \$125 apiece,—those that have a small circulation of a thousand copies, or less, pay you \$95 apiece? *A.* Yes, sir.

Q. So that they get a profit of about \$1,200, or a little over, for circulating the paper? *A.* If you don't count the circulating; yes, sir.

Q. (By Chairman Voorhees)—It nets, then, \$1,200? *A.* I suppose so. You understand that we have to set this type up for our own paper, and we publish the "Law Journal," and of course the type is standing, and that is the reason we can do it at that figure.

Q. (By Senator Skirm)—But you have already done the work for yourselves? *A.* Yes, sir.

Q. (By Senator Skirm)—Therefore you do it cheaply because the forms are already set up? A. Yes, sir.

Q. (By Senator Skirm)—But supposing that these other gentlemen did the same thing, it would cost them just as much to set it up as it costs you? A. Yes, sir.

Q. (By Chairman Voorhees)—You mentioned that these newspapers circulated the laws, and I understand that \$1,200 is paid for the circulation of the laws; is that the way they regard it? A. I don't know, sir; how they regard it.

Q. (By Chairman Voorhees)—Let me ask you at the same time, would these papers not circulate, whether they had these laws or not? A. The ordinary edition would, I suppose.

Q. (By Chairman Voorhees)—Then they simply send these along with their ordinary edition, so that it entails no additional cost on them for circulating the laws. A. No; unless you consider their columns are of some value as advertising mediums.

Q. (By Chairman Voorhees)—But these are separate sheets apart from the columns that would be devoted to advertising. A. Published in this way they are.

Q. You don't take any of their columns; you put it on an entirely separate sheet of paper? A. Yes, sir.

Q. (By Senator Ketcham)—You furnish the separate sheet of paper upon which these laws are printed? A. Yes, sir.

Q. (By Senator Ketcham)—You don't furnish the blocks or the electrotypes? A. No, sir.

Q. (By Senator Ketcham)—You furnish the paper already printed? A. Yes, sir.

Q. (By Senator Ketcham)—There is no electrotpe about it? A. No, sir; it is all printed from type.

Q. These papers, as we see them here, are all made in Somerville, aren't they? A. Yes, sir.

Q. And sent out by you by express to the different newspapers? A. Yes, sir.

Q. And they can fold one inside of each of their weekly papers and send it around by mail or otherwise? A. Yes, sir.

Q. And you get \$100 for doing that, and they get \$1,200 for what they do? A. Yes, sir; in other words, when we send out our paper we send out another sheet numbered right on from the regular number.

Q. Wasn't the "Dover Index" getting up a list also this year? A. I can't tell you, sir.

Q. Didn't you take a list off their hands? A. No, sir, I didn't.

Q. Did you get together your entire list yourself, or take a list

off somebody else's hands? A. We took the list off of the "Plainfield Courier's" hands.

Q. Which they had been getting together in the same way? A. Yes, sir.

Q. This system has been in vogue for a considerable time, has it not? A. Yes, sir, I presume it has; I don't know anything about it except for the last two or three years.

Q. You have done it for three years? Yes, sir.

Q. (By Senator Skirm)—It is in violation of law? A. No, sir.

Mr. Corbin—The laws are printed much better than they would be if they were printed by these country newspapers, when it is done in this way.

Witness—Where the work is being done in the establishment most of the country papers can't get the laws out within the time, because they haven't the type. The law requires that it shall be gotten out within sixty days from the time the copy is furnished by the Secretary of State.

Q. Then some of these papers couldn't physically do it in compliance with the law in the time? A. No, sir.

Q. They haven't the type to do it? A. They have the type to do it slowly.

Q. (By Chairman Voorhees)—Their issue isn't frequent enough to let them do it within the sixty days? A. No, sir.

Mr. Corbin—There is another way of printing the laws, which is called "patent outsides," and I will show you newspapers who circulate the laws printed in that way; the "patent outside" people print the entire outside of the newspapers, including the laws of New Jersey, and send them to the people here; that is done I don't know by how many people, but it is certainly done by the New York Newspaper Union, at 134 Leonard street, New York, and they have got about twenty newspapers of New Jersey on their list, and are printing the New Jersey Laws in Leonard street and sending them to the newspapers here, and they inform us that they had a list of fifty last year of the New Jersey papers; this year they have got twenty on their list.

CHARLES BECHTEL, recalled.

Examined by MR. CORBIN.

Q. Mr. Bechtel, I show you a copy of the "Jersey City Democrat," with the laws of New Jersey printed on pages 2 and 3;

it is the issue of May 18th, 1895 : is that what you call a "patent inside?" A. Yes, sir.

Q. What is a patent inside? A. Sheets furnished by somebody else for the newspaper publishing it, that is, the regular side for the newspaper.

Q. The "Jersey City Democrat" then, when they buy their paper, get it with pages 2 and 3 already printed? A. Yes, sir.

Q. And the publisher simply sets up and prints pages 1 and 4? A. Yes, sir.

Q. That is from the New York Newspaper Union?

Chairman Voorhees—I think you ought to state that page 2 of the "Jersey City Democrat" is made up entirely of the Laws of New Jersey.

Mr. Corbin—Yes; and page 3, as you will see, has some laws and some patent medicine advertisements; if you will observe pages 2 and 3 you will see nothing at all that is local to Jersey City.

Senator Ketcham—Forty papers can buy these and print their local news on the other side?

Mr. Corbin—Yes, sir.

Q. Look at the "Burlington Gazette?" A. That is a patent outside.

Q. There you see pages 1 and 4 are printed by the Newspaper Union? A. And the inside pages are printed at Burlington.

Chairman Voorhees—Pages 1 and 4 are made up of the laws of the State of New Jersey.

Q. Look at the "Chronicle" of Jersey City, an eight-page paper. What do you call that? A. I would call that a patent inside again.

Q. That is, on three or four of its pages the laws of New Jersey and advertisements of patent medicines, etc., and the other four pages seem to be printed in Jersey City. Look at the "Matawan Journal" of April 20; that is a six page paper; what is that? A. That is a mixture—no, the two pages on the inside are patent.

Q. That is a patent inside, isn't it? A. Three pages there are patent.

Q. (By Chairman Voorhees)—May I ask of the witness, as an expert, whether or not these patent outsides or insides are not printed from plates? A. They are supposed to be printed from type; they claim that they print those from type.

Q. (By Senator Ketcham)—So that they could take the oath that they had not been printed in plates? A. Yes, sir.

Q. I show you "The Millville Republican"; how is that? A. That is an inset sheet.

Q. That inset sheet is the laws? A. Yes, sir.

Q. Look at "The Dover Index," of April 26th, which is an eight-page paper; what is that? A. Same kind, something in two pages; that is just an inset.

A. "The Cranbury Press"; what is that? A. A patent outside.

Q. And "The Warren Tidings"? A. That is another inset.

Q. All these I have shown you you have marked B; have you examined them to see whether they were printed from the same types? A. Yes, sir.

Q. They are the same, are they? A. I think so.

Mr. Corbin—Those, I believe, all to be part of the list of twenty that The New York Newspaper Union has. There are some others here, but these will serve as samples.

Senator Ketcham—Then it would appear that if the State made a contract with somebody to publish these laws in this fashion that they could have saved about 90 per cent. of the whole cost.

Mr. Corbin—Yes, fully 90 per cent.; we could have done it for just what they did.

Senator Ketcham—The smaller papers pay \$95 and they get \$1,299; so they make \$1,204 out of the transaction?

Mr. Corbin—Yes, sir.

Senator Ketcham—Less the cost of circulation. Then, out of the \$125,000 paid by the State for this work, enough could have been saved to put up that reformatory at Rahway.

Mr. Corbin—There is a certain addition of postage then to be paid, but you will be safe in saying that there is an average profit of \$1,200 to every newspaper that prints the laws in this way.

The New York Newspaper Union informs us that their price for setting its patent outsides was seven cents per thousand ems; it is a trifle less than the Somerville prices. They furnish the paper at cost.

Now, there is still another method of publishing the laws.

Q. Mr. Bechtel, do you know about this plan of one newspaper in a town setting the type and lending it to the others?

A. Yes, sir.

Q. That is the custom in some places? A. Yes, sir; that is done in South Jersey.

Q. I think Mr. Chew on the stand testified that that was done in Camden. A. These papers mostly from that section do it.

Q. In Camden he said that one party would send it around, back and forth, and three or four editions would be taken from the same type? A. They used to do it in Trenton here; the "True American" set one-half and the "Gazette" set the other half.

Mr. Corbin—Now, it is very obvious that this newspaper printing business has been something truly in the line of what Mr. Naar suggested this morning—it is political bounty—it is nothing else. Under the present law it is awarded to forty-five Democratic papers and forty-five Republican papers, and to the "New Jersey Law Journal." You see, if it were desired to do it for what it is worth—what a merchant would do it for—it would be done, as it is in Connecticut or Vermont, for a trifling sum of money—\$1,800 or \$2,000—but that is not the purpose. The purpose is to give the ninety selected newspapers this bounty, as it is now, of more than a hundred thousand dollars out of the State Treasury.

Now, observe the inequity of it. You will see by looking at newspaper lists that there are 231 newspapers in New Jersey. Why should ninety of them be singled out to publish these laws and 141 of them have no such help from the treasury? Are these any more meritorious than those who do not get it? It is not done with a view to circulation—not with any special view to it; it is simply political preference. It is not only unfair, it is, as I have shown you, grossly extravagant. It is unparalleled. No other State does it, with the exceptions I have stated, and they to no such extent. I think there is a still more serious side to it. To these small papers in the country \$1,200 a year, or five or six hundred dollars, is a very serious matter. And they come here and beseech the Governor, and they beseech the Comptroller and members of the Legislature to get their papers put upon this list. Some of them are disappointed; some succeed. But I think the serious part of it is that those ninety who succeed, and the others who fail, but expect to succeed next year, are stifled. They don't talk out as newspapers ought to, and if the

press is to be what the press is supposed to be—the defender of liberties, the exposé of abuses, the fearless critic of public officers—it should not have its voice choked with a gift of a thousand dollars a year from the State government. If the newspaper that has been designated by the Governor finds something to criticise in his conduct, how can it go from these halls straight home and write an editorial fearlessly criticising the Governor who has just put a thousand dollars into its till, and who will withhold it the next year if they criticise him too severely?

If a Republican publisher sees something amiss in the Comptroller's conduct which should be criticised, how can he go home and expose the misconduct with the bounty of a thousand dollars in his pocket? That is the mischievous part of it, and to my mind that is as much more important than the hundred thousand dollars a year which is flung away from the treasury as principles are more important than dollars.

What do we see when abuses do occur in this State? By whom are they exposed? By the New Jersey press? Too often, no. These reforms are started, these agitations are commenced in Philadelphia and New York, and by those papers who get no money out of our treasury; too often it is only when our New Jersey papers are lashed into the movement by public opinion that they speak out and take a hand in the reform. That is the history of this State for the past twenty years, and I think that the question is infinitely serious to the welfare of the State, not because of the waste of a hundred thousand dollars a year, but because the gift does inevitably tend to choke the voice of the press. Mr. Naar's statement was entirely true, for this thing has been recognized by both parties as a political bounty, and the result is that you could have gone to almost any city or town and looked in vain to find a paper which fearlessly spoke out against its own party, or the other party, for that matter; for you observe that to designate the papers, two officers must agree; you must not only find favor with the Governor, who is of your own party, but you must find it with the Comptroller, who is of the opposite party, and so the ninety newspapers that are designated, no matter of what party, quietly keep still

about not only the officers of their own side, but the officers on the other.

Now, here is where the mischief exists. Those within the hearing of my voice, who have been in public life, all have seen it. They have seen the reluctance of certain newspapers to speak out when they ought to speak out. For my part, I see but one remedy for the whole thing, and that is to do what almost all the States have done, to wipe out the whole thing. Make some further promulgation of your laws. Publish a hundred thousand copies, if you will, but don't throw away and waste one hundred thousand dollars, which, I assure you, the treasury can ill-afford at the present time. And, in the second place, don't stifle the voice of ninety of the principal newspapers of this State.

Now, I suppose you may say that these newspapers won't keep still for the sake of a paltry thousand dollars. Won't they? This patronage means other patronage, other things follow in the wake of it. Moreover, we all recognize the peculiar effect of a bounty. Many of the States have recognized the fact that a gift will go much further than a mere matter of liberal payment.

The action of Congress in forbidding the use of passes on railroads under the inter-state commerce law is a recognition of it; the New York constitutional clause forbidding passes to public officers is a recognition of it. A mere free pass from Albany to New York is a small matter; and yet such favors do so work on the minds of men that a man will show favoritism because of them, while he would spurn a bribe of a thousand dollars. There is an element of friendliness in the bounty, an element of favoritism and partisanship in it which appeals to the human mind; and when you apply it to the newspapers of a great State and practically tempt all of them to keep silence about State affairs, you see how serious the matter may become; and I assert that it is now a very serious matter in this State, and in saying that I want to recognize the fact that there are many exceptions, and that most of the newspapers at the present time have overcome the temptation to a degree under the stimulus of public opinion, and are independently and freely helping to do what we all are trying to accomplish.

Senator Ketcham—What you say is exactly true, and yet some of these papers, most of them, I think, are now speaking out very freely; I refer to two papers in Newark. Last night the “News” and “Advertiser,” the “Advertiser” criticised keenly this work of letting the Big Four go, and the “News” was one paper of all the papers in the State that started this investigation.

Mr. Corbin—Yes, sir; there are independent papers in Newark; I don’t think the criticisms I have ever made ever applied to the Newark “News”: there are exceptions; but yet it is true that many of the papers of this State, in the matter of criticism of public officers, have followed in the wake of New York and Philadelphia papers; I believe the newspaper men in this room would confirm that statement; it has been so for years.

You have come, in the investigation, to a subject that has a very serious side. I am not producing this evidence to show any fraud on the part of these newspaper men; I don’t say anything about what they have done; it is in the law; the law was made to give them the bounty; it is on the statute book as a standing present every year to the newspapers who are lucky enough to be designated; but the question is whether you are going to allow that to be continued.

In the first place, it takes an enormous part of the revenues, and if it is allowed to continue you will have to speedily provide some way to raise more revenue. The other consideration I have presented.

In times like the past two or three years, and the present, when people are so straightened in their circumstances, and business has been so unprofitable and unpromising, and men are anxious about the present and the future, how can those in charge of the public affairs justify the continuance of a system which flings away a hundred thousand dollars, a matter of one-twelfth or one-fifteenth of the ordinary revenues of the State?

Most of the States have dealt with the question by giving up the publication of the laws in newspapers; New York and Pennsylvania have been through the same travail; they yet keep up the old method to a degree, but we excel them all in extravagance when you take into consideration the size and wealth of our

State—far surpass them all this year, in actual figures, all except Pennsylvania.

As to what the Committee shall do and what shall be recommended, that is a matter for careful consideration. These fifteen States that responded to our circular give a good many hints of what may be done; for instance, some of the New England States that give out copies spend about three or four thousand dollars a year; their plan would furnish everybody with the laws.

Senator Ketcham—You say it cost two thousand dollars a year for these laws that are set up for the lawyers?

Mr. Corbin—The volumes cost about \$1,600 or \$1,800.

Senator Ketcham—Suppose we had a couple of thousand of them put in paper covers.

Mr. Corbin—Suppose you had ten thousand; the expense wouldn't exceed \$1,500.

Senator Ketcham—The people don't read these laws.

Senator Skirm—I think the question goes far deeper than the question of dollars; it is simply the whole press of the State, or very nearly so, has been muzzled for years against abuses that we all know, and yet they haven't had the courage to expose them; otherwise, if they had, there would, I think, have been very little reason for this Investigating Committee.

Mr. Corbin—I think it goes as deep as that; I think it affects the freedom and the independence of the press of the State.

Q. Mr. Bechtel, you have had a great deal of experience in this matter of printing; have you anything to suggest about the proper promulgation of the laws? *A.* I don't know of any better method than that Connecticut method; that is, a thousand copies on good paper, and one hundred or two hundred thousand on other kind of paper wouldn't cost half what it costs now.

Q. How would you circulate them? *A.* Adopt their method; give the newspapers so much a hundred for circulating them, if necessary—if they won't circulate them without.

Mr. Corbin—The Secretary of State has made some suggestions about this matter of promulgating the laws. I would like to have them presented to the Committee.

Mr. Kelsey—As this matter has been one with which I have had more or less conduct for years gone by, for many years I was a member of the board to designate

the newspapers; I have not been now for some time past, and send out the copy, &c.

Discussing the matter with Mr. Corbin, I, in a general way, outlined the scheme which I had in mind for a long time, which I consider entirely practicable, and it would be economical, and it would, it seems to me, secure a sufficient promulgation of the laws, perfectly, which is not now the case very frequently, and efficiently.

To my knowledge and the knowledge of you all there have been years within the last ten when the newspapers were not even designated to publish the laws until mid-summer, though I believe the act requires that it shall be done within ten days after the meeting of the Legislature; but more than once the Legislature has finished its work, and weeks, and in some cases months have elapsed before the subject has been taken up—before the Board has been called together by the Governor, who is always the Chairman.

This is the scheme that I outlined to Mr. Corbin; That an additional number of copies of forms of the book of laws might be printed; for instance, eight thousand copies of the book of laws are now required, I believe, annually. They are printed in forms of sixteen pages each; the form is the technical expression which the printer uses—embraces sixteen pages of the book, and I believe the estimate to the Comptroller is in that shape, so much a form of sixteen pages; the exact figures I have not. The laws, on approval of the Governor, are filed in the office of the Secretary of State; immediately upon such filing copy could be furnished to the printer of the book of laws, the session laws for the year, always within two or three days—five days, I should say, would be a reasonable limit. I would have the bids for printing the book of laws submitted to the Comptroller in advance of the meeting of the Legislature or during the month of January, say. And it is very seldom indeed any law is enacted and has the approval of the Governor before the first of February.

During the month of January I would have the contract closed with the printer of the book of laws. I would have him print eight thousand copies of the book and lay them aside; I would have him print say three

thousand or five thousand copies additional and fold them and cut them, perhaps, and deliver them to the custodian of public documents or the Secretary of State or Comptroller—deliver them here to the State House, and make it the duty of the custodian to place five copies upon the table of every member every Monday evening on the assembling of the Legislature; to deliver one or two or three copies to every public officer, every Justice of the Supreme Court, some to every County Clerk, Surrogate, Sheriff, Auditor, to all Judges of the inferior courts, and the officials having offices of record, like county clerks, &c. I would require them to keep a file of those laws open for public inspection; a little binder costing half a dollar at retail, I think, would contain them, and keep them in nice order. Every member, every official would within ten days of the approval of every act have a copy of it: within fifteen or twenty days after the adjournment of the Legislature and the disposal by the Governor of the acts in his hands the book of laws would be ready for issue, and as you gentlemen of the bar all know now they are not issued until weeks and weeks and often times months after the adjournment of the session.

You can broaden the scope of distribution as much as is thought proper; send them to every justice of the peace, if you please; their address is a matter of record in my office; they are commissioned by the Governor—and to every town clerk, and require all those officers—let these little binders be sent out with the first issue and require every one of those officers to keep a file on record open to public inspection.

I am not familiar with the cost of printing, but I venture to say that the total cost, including postage, distribution, &c., would not exceed \$10,000 or \$15,000; the distribution would be prompt; immediate; every Senator would know every week just what laws had been approved by the Governor, having a copy on his desk; he could have five, or ten, or twenty copies, and he himself with an allowance for postage could send them to his friends; it seems to me that that would be a practical scheme, and I have thought so for years and have gone over it for years, and that is the scheme that I talked over with Mr. Corbin recently.

JOHN M. BONNELL recalled.

Examined by MR. CORBIN.

Q. You have charge of the distribution of the laws? A. Yes, sir.

Q. Have you a list of the number that you send to each county collector? A. Yes, sir.

Q. Is this it? A. Yes, sir.

Q. When do you send those out? A. As soon as they are printed; last year they were printed at Camden, and I sent my document clerk to Camden and shipped them direct from there to the county collectors throughout the State.

Q. But you can't send them out, of course, until the entire edition is printed? A. Certainly not.

The following are the number of laws sent to the county collectors:

Counties.	Number.	Address.
Atlantic.....	200	Mays Landing.
Bergen	200	Hackensack.
Burlington	300	Mount Holly.
Camden	300	Camden.
Cape May	200	Cape May C. H.
Cumberland ...	200	Bridgeton.
Essex	500	Newark.
Gloucester	200	Woodbury.
Hudson	500	Jersey City.
Hunterdon.....	260	Flemington.
Mercer	250	Trenton.
Middlesex	250	New Brunswick.
Monmouth	300	Freehold.
Morris.....	250	Morristown.
Ocean.....	150	Toms River.
Passaic.....	250	Paterson.
Salem.....	200	Salem.
Somerset.....	150	Somerville.
Sussex	150	Newton.
Union	300	Elizabeth.
Warren.....	260	Belvidere.

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Mr. Corbin—In designating the newspapers in which the laws are to be published you will see that the Governor and Comptroller are required to have “regard” to circulation; that is all; it does not say it shall

go to the newspaper having the greatest circulation, but they are to have "regard" to it. I presume it is within the knowledge of every member of this Committee that there are newspapers of many thousands circulation that have been dropped from the list of papers, and those of a trifling circulation in some town have been put on in their stead.

Senator Skirm—On account of political preference?

Mr. Corbin—Yes, and to punish enemies and reward friends.

Chairman Voorhees—It has been used as a means of driving them into the support or silencing their criticism of a party in power.

Senator Skirm—My statement might have been a little broad when I criticised the entire press; the press of certain portions of the State have been sharp in denouncing some things that they have seen; take the Jersey City papers, as well as the Essex county papers.

Chairman Voorhees—The Jersey City "Journal" has always been independent.

Senator Skirm—And its circulation has been made very much larger because of its independence, and so it will continue to be with any paper who has the manliness to show its independence.

Chairman Voorhees—A communication has been received by the Chairman, addressed to the Senate Investigating Committee, and I think it is only fair to those who have sent it to have it read by the Clerk, and it will be spread upon the minutes:

"To the Honorable, The Senate Investigating Committee:

"Gentlemen:—The following resolutions have been adopted by this Board:

"WHEREAS, the investigation into the internal affairs of the management of the office of the State Board of Assessors has developed certain irregularities, the existence of which was entirely unknown to the members of of the Board;

"Resolved, That it is not only the hope of the Board, but their expressed desire, that the Legislative Committee investigating the affairs of the State government shall examine into, to the utmost extent, every act of the Board and its employees, and every matter con-

nected in any way with the management of the office of the State Board of Assessors.

“Resolved, That the members of the Board hold themselves in readiness to respond to the calls of the Committee at any time, and desire to be examined on every matter which the Committee may deem important, touching the affairs of the Board, its office and its employes.

“Resolved, That these resolutions be spread upon the minutes of the Board, and that a copy duly signed by the members of the Board be forwarded to Hon. Foster M. Voorhees, Chairman of the Legislative Committee.

“Adopted May 7, 1895.

“BIRD W. SPENCER, President.

“OLIVER KELLY,

“A. R. KUSER,

“DAVID BAIRD,

“State Board of Assessors.”

Adjourned until Friday, May 24, 1895.

TRENTON, May 24th, 1895.

Mr. Corbin—I desire to offer some testimony and statements relative to the fees known as the judicial fees received for the revenues of the State through the office of the Clerk in Chancery and the Clerk of the Supreme Court, and also some facts relative to the fees received by those officers for their own use, as provided by the law; of which fees they are required to make periodical statements to the Comptroller, to be kept of record.

The law regulating the matter of judicial fees is found in the Supplement to the Revision, page 898, at paragraph 22, as follows:

“22. Sec. 1. That it shall be the duty of the clerk of the supreme court, and of the county clerks of the several counties in this state, and of the clerk in chancery, and of the secretary of state of this state, within ten days after the close of each term of the courts of which they are respectively the clerks, to make full and itemized statement and return to the comptroller of the treasury of this state of the sums which they have respectively charged and included in taxed bills of cost, or which may have accrued in any case, or which they have received under the provisions of section two of this act, during said term, for any costs or fees taxable, or to be received by them as aforesaid, in

regard to or for the services of the chancellor, the chief Justice and the associate justices of the supreme court, respectively, under any law now or hereafter in force fixing such costs or fees, which statements shall be made under oath and upon blanks containing a form of the said statement and oath, to be furnished to said clerks by said comptroller, and shall be filed in his office."

Paragraph 23 provides that fees for orders, rules, &c., shall be included in these statements.

Paragraph 24 provides that the clerk may retain five percentum of the amount for his services in collecting and transmitting it, and he shall quarterly turn over the balance to the Treasurer of the State after it has been audited by the Comptroller and the Comptroller has given him a certificate of the correctness of his return.

This is the same law affecting the county clerks which was read to you when we had up the subject of returns from county clerks of the several counties, and I then exhibited to the Committee the form of the return which the Comptroller prepared for the county clerks and which he sends to them periodically. This printed form has not been used by the clerks in the State House, but the Clerk in Chancery has made returns in type-written form which are substantially in the same form as this, that is, he has given the details of his receipts; so many writs, so many orders, so many decrees during the term, which is the same particularity provided for in this blank made up by the Comptroller.

Those statements have been filed with regularity, I believe, by the Clerk in Chancery and the Clerk of the Supreme Court, and the fees have been paid into the treasury as shown by the Comptroller's reports and the Treasurer's reports.

The other subject which I mentioned was the matter of the fees received by these clerks for their own use, and it is regulated by the act of March 14, 1879, Supplement to the Revision, page 299, paragraph 17:

"17. Sec. 1. That the clerk in chancery and the clerk of the supreme court of this state shall severally keep a true record of all the fees and compensation received by them for their own use, from all sources, in their respective offices, under the provisions of any law of this state, and shall respectively make a statement, account and report, under oath, to the comptroller of this state, on the first day of July next, and quarterly thereafter, of the gross amount of all such fees and compensation so received by them respectively during the next preceding quarter."

The 20th paragraph provides that these statements, accounts and reports shall be kept and remain on the public files of the office in which they are filed, the same as other papers are filed therein, and all statements, accounts and reports made to the Comptroller shall be by him included in each of his annual reports to the Legislature.

The next section provides a penalty of one hundred dollars for not filing the report. I will take up first the matter of the Chancery office.

ALLAN McDERMOTT, sworn.

Examined by MR. CORBIN.

Q. You are the Clerk in Chancery? A. Yes, sir.

Q. And have held that office since what time? A. March 29, 1886.

Q. I show you a number of returns of judicial fees, being from the files of the Comptroller's office. These are your returns of the moneys received for the services of the Chancellor, are they not, for the use of the State? A. That is what they are.

Q. And made each term? A. Are made each term; the law requires that I shall file within ten days, I think, after the opening of the term, a statement of the moneys which I have received for the services of the Chancellor; that of course includes the Vice-Chancellors. Within that period I make the statement, the form being fitted to the process used in the office, and pay to the Treasurer on the day that I make that statement, the amount of fees that I have received.

Mr. Corbin—I show the Committee the last one filed for October term, 1894; you will see the way in which the return is made; you will observe it is made with particulars, so many writs issued of one sort, and so many of another, and so many orders, &c., and at the bottom you will observe a deduction of five per cent., for the Clerk's fees for collecting them, and the net balance is the amount which the Clerk remits to the Treasurer. For the convenience of the Committee I have made up a schedule of these returns, and I will call off the amount by years and then I will offer this for the record:

Net Amount of Judicial Fees Returned and Paid by Allan McDermott, Clerk in Chancery.

Year.	Term.	Amount.	Total by Years.
1886—May.....		\$4,302 31	
October.....		2,027 81	
		—————	\$6,060 12

1887—February.....	\$2,276 37	
May.....	2,712 97	
October.....	2,312 02	
	<hr/>	\$7,301 36
1888—February.....	1,682 83	
May.....	2,535 84	
October.....	2,117 00	
	<hr/>	6,335 67
1889—February.....	2,210 42	
May.....	2,907 27	
October.....	1,980 80	
	<hr/>	7,098 49
1890—February.....	2,106 55	
May.....	3,218 05	
October.....	2,146 24	
	<hr/>	7,470 84
1891—February.....	2,341 92	
May.....	3,428 76	
October.....	2,371 54	
	<hr/>	8,142 22
1892—February.....	2,402 36	
May.....	3,374 74	
October.....	2,328 69	
	<hr/>	8,105 79
1893—February.....	2,699 86	
May.....	4,019 07	
October.....	2,785 12	
	<hr/>	9,504 05
1894—February.....	3,181 24	
May.....	4,040 35	
October.....	3,169 35	
	<hr/>	10,390 94

The Committee will observe these payments are made by terms, which is manifestly the convenient and proper time to make them, although the statute does say that the returns shall be made by term and the payments made quarterly; that would be obviously difficult to accomplish. The returns have been properly made. The Committee will understand these are revenues derived by the State from the Court of Chancery for the services of the Chancellor and Vice Chancellors, and these revenues grow out of the changed system whereby the fees formerly retained by those officers were turned into the State Treasury and they all put upon salaries;

it is a sort of net earnings of the court that goes into the Treasury.

The fees which the clerk receives for his own use are required to be returned quartely, for the gross amount of the fees and compensation from all sources received by the clerk for his own use. I think there has been some little difference of opinion as to the construction of this act, and there certainly has been some diversity of practice under it, but to make it entirely clear I will ask the clerk to explain what the practice has been with respect to his own office.

Q. I show you files from the Comptroller's office. Are these your returns made to the Comptroller of your own fees?

A. Yes, sir; those are the returns made to the Comptroller of my own fees.

Q. I would like you to state how you made up these returns and what they show.

A. The law requires :

“That the clerk in chancery and clerk of the supreme court of this state shall severally keep a true record of all the fees and compensation received by them for their own use, from all sources, in their respective offices, under the provisions of any law of this state, and shall respectively make a statement, account and report, under oath, to the comptroller of this State, on the first day of July next, and quarterly thereafter, of the gross amount of all such fees and compensation so received by them respectively during the next preceding quarter.”

I notice that there are some omissions in the tabulated statement that you have made there. The returns which you show me I guess include about all that I have made, and they are made up on this basis. At the time that I was appointed Clerk of the Court the law provided that the Clerk should receive four cents a folio for the folio work in the office of the Clerk of the Court of Chancery; that folio work is probably something over seventy per cent. of the entire work of the office; with the exception of four of my clerks, the folio work is the work that all my employees are engaged upon. It had been the practice to pay the employees two cents a folio, the Clerk retaining two cents; I estimated the profit of the office and came to the conclusion that the amount paid to the employees for copying, the two cents a folio, would be for a very hard working clerk but a bare existence; it was not enough compensation for the work; while you

can find plenty of people perhaps to do it for that amount, it was not a fair compensation. I then applied to the Legislature to increase that amount. I did not desire the increase for my personal benefit, and in order that that might be demonstrated the act was drawn in this way : (Page 299, Section 16 of the Supplement to the Revision).

“ That the clerk in chancery and the clerk of the supreme court of this state shall each be entitled to receive for copies and enrolling proceedings, for each folio of one hundred words, five cents, and no more, of which sum they shall respectively retain two cents, and such portion of the balance as shall not be expended and actually paid out for enrolling proceedings, copies and recording shall be paid into the state treasury.”

It is hardly necessary to say that I have never paid anything into the State treasury under that law ; I have paid to my employees not only the three cents, but probably a fraction more. And I have, therefore, considered that as to that income of the office I did not receive that money for my own use. In construing the act of 1879 I found that this construction had been placed upon it by my predecessors, that it required a return of the fees received for the work performed during the quarter ; that is, the two elements must exist, the receipt and the work during the quarter. That was the practice of the office, and during the life of the bookkeeper who was there when I took the office I think that practice was pursued.

Q. That was your first return? A. My first few returns ; I signed them and he made them up. After, the other returns I made up myself. I found that the State Comptroller was repeatedly asking the Legislature to repeal this law, as being entirely useless, and I call the attention of the Committee to one of his requests, on page 78 of the Comptroller's Report for 1885—Mr. Anderson was the Comptroller. He says :

“ The act requiring the making and publishing of these returns was of no practical use ; no good was ever accomplished by it ; no benefit has ever been derived from it ; it requires from year to year the publication in the Comptroller's report of an utterly useless formula, the necessity for which should be abolished without delay. So long as the law exists, however, it is necessary for the statements to be made and published, and those which have been received for the past year are accordingly presented below.”

I came across that while I was looking at the question of what the spirit of this law was, and I concluded that its spirit was this, that the State desire to have on record a statement of the value of the office to the Clerk, so that it could be referred to as a basis for any proposed legislation in the matter, either decreasing his fees or fixing a salary for the office. I, therefore, did not adopt the plans of my predecessors in making returns, although I think their plan could be supported under the construction of the law; but my returns show the profit of the office to the Clerk; in other words, they show all that I received for my own use; they do not show the moneys which I received and paid out under the direction of the statute to somebody else, because that cannot be said to be my own use.

Q. That is so later, the returns of the year 1891? A. This is the first returns; the man is dead who made them, and I can't say what his theory was, but I guess it was the theory which I have suggested to the Committee. The next return, for instance 1886—

Q. The returns then for the years 1891, 1892, 1893 and 1894, which have been under your personal charge, represent the net value of the office to you? A. Yes, sir; with this explanation: Some of the members of the bar, your firm not included, are sometimes a little dilatory. I think, no doubt, that is because sometimes their clients are dilatory, and I have accommodated the members of the bar. Some of the gentlemen practicing in the Court I believe have been running their accounts since 1886; I suppose they will run forever; some of them pay up. You take for instance the return for 1894. Those will include returns on back accounts running back nine years; so that if you want to get the value of the office the proper way perhaps to do it would be to give you the average for nine years.

Mr. Corbin—I will state these figures. Returns for 1891 show the total \$19,285; for 1892, \$18,226, and for 1893, \$17,838. The last report, of 1894, is not yet in.

Q. Can you state what the value of the office is for a series of years? A. During the nine years that I have occupied the office the amount of money which I have received for my use has averaged between \$16,200 and \$16,500 a year. I cannot come any closer than that; it has not been less than the first figure nor more than the second; that is all the money that I have received for my use; it has been ample and sufficient, but I want the record to show the statement that way.

Q. What is the cost of running the office? I ask this question with the view that if the Legislature see fit to place this

office upon a salary it would be necessary to make an appropriation to provide for the expenses of the office, and if you can tell me that approximately we will be obliged to you. *A.* I can tell you that approximately from a calculation which I made when I took the office. I about concluded, looking over the salary list and somewhat raising it, that I would divide the fees with my employes, so that if you take my receipts as \$16,500 a year, I have paid about an equal amount to those who work in the office.

Q. (By Senator Skirm)—How many employes have you that you have divided it with? *A.* I should say about twenty.

Q. (By Senator Skirm)—They are engaged in copying, most of them, about 70 per cent. of the office, you say, therefore with that recommendation to this Committee that would hardly cover it, would it? *A.* Why?

Q. (By Senator Skirm)—As to the expense of the office, because you certainly haven't divided that, as I understand you to say where it had been increased from two cents to three, and if that was 70 per cent. of your office, certainly you didn't want to count those men in as employees of your office, do you? *A.* Yes, sir.

Q. (By Senator Skirm)—Because you certainly divided those receipts with those people—that is fixed by law. *A.* No, it isn't fixed by law.

Q. (By Senator Skirm)—I understood you to say that it should not exceed three cents per folio? *A.* Not exceed five cents.

Q. (By Senator Skirm)—Therefore you haven't made a division. I should like to know the salaried positions and the amount you pay them irrespective of the copying, because that is provided for by law? *A.* No, it isn't; you don't know what you are talking about.

Q. (By Senator Skirm)—I think I do. *A.* I know you don't.

Q. (By Senator Skirm)—I understood you to say 70 per cent. was for copying? *A.* About 70 per cent. of the office.

Q. (By Senator Skirm)—What I wanted to do was to eliminate that expense, and simply take the expense of your clerical force. *A.* That you can't do, because the clerical force will include the copying; all the clerks in the office are subject to copying orders at all times; I therefore stated to you that the cost of running the office was about the amount which I stated as my receipts for my own use.

Q. (By Senator Skirm)—Which included the cost of the copying? *A.* Necessarily.

Q. (By Senator Skirm)—I thought it did not; that is the reason I asked the question.

Q. So that the gross amount received by the clerk and his employees for clerical services in the office is perhaps \$33,000, is that right? A. Well, I should say yes; that will be an approximate figure; you may find it vary \$500 or \$1,000.

Q. And the half which you have given to those under you is, I assume, a fair compensation for services, not mean, and not extravagant? A. No; it is fair compensation; it is perhaps a little more than—it is more than I could have employed labor for without any question, but it is fair.

Q. (By Chairman Voorhees)—But with due regard to the efficiency of the office? A. Yes, sir.

Q. (By Senator Skirm)—If you had wanted to run the office very close you certainly could have had copying done for less than three cents a folio? A. I could have made a difference in my favor, perhaps, of two or three thousand dollars a year on the whole office, but it is an office that requires efficiency without any question; it is an office that requires accuracy, and to employ clerks on the basis of giving them what you would call a market standard of wages would decrease the efficiency of the office, and it should not be done. I suppose the efficiency of the office is watched with considerable interest by every attorney in the State; every attorney is interested in his case, and during the nine years I have acted—I have a system of investigation of any complaint made in the office, and I think the complaints of the office have not averaged, including missent letters, three a year, and that requires some efficiency and some intelligence on the part of the clerks. Those whom I have found in the office I have kept in the office, although some of them, I believe, differed with me politically—because they were efficient clerks.

Q. If the offices are to be upon a salary basis what, in your judgment, would be a proper amount for the Legislature to appropriate for the sort of clerical services you require—all expenses of the office? A. I don't think the Legislature could very wisely make any appropriation in that way; the office to be put upon a salary—it should be put upon a salary; my view is that all offices should be salaried. I had this idea in mind last summer and somewhat developed it before the Constitutional Commission. As a member of that Commission I drew a proposed amendment to the Constitution, providing that all offices in the State of New Jersey should be salaried, and the question which Mr. Corbin asks now I considered at that time. I think that you should not appropriate any fixed amount, but allow that the expenses of the office shall be paid by the clerk, on the approval of the Chancellor, and if you fix an amount—if you say that the

Clerk of the Court of Chancery shall receive only \$15,000 for disbursements it may be by the next year that that would be totally inadequate, because of a panic, or something of that kind.

Q. (By Chairman Voorhees)—That objection could be overcome by making an annual appropriation? A. Not very well; well, make an annual appropriation, with the right perhaps to exceed it on the approval of the Chancellor if the necessities of the office require it. But I should say the better way would be to do it as you conduct any business having the supervision of the Chancellor, to appropriate such an amount as he should approve; let him approve the salary lists; that is about the best way.

The amendment which I proposed was defeated, as I recollect it, in the Constitutional Commission. There was considerable objection, and in the debate there were very grave objections made to salarizing these officers on the ground that the efficiency of them would not be kept up; those objections had very considerable weight. I, however, persisted in my idea, and I believe gave to Senator Winton for introduction in the Senate an amendment to the Constitution, still insisting upon the salary plan. I may have been more stubborn than wise in my idea of it; and there was a bill introduced in the House of Assembly to salary the Clerk of the Court of Chancery. That bill was very poorly drawn.

Q. (By Senator Daly)—That wasn't this year—a year ago? A. No; it was introduced this session and was pending in the House; I requested the members of the House of Assembly who were in political sympathy through their leader to vote for the bill if it came up, but I am not sure that any legislation of that kind, without very considerable consideration, is wise. The State will never be benefited, you can understand that, by taking away the fee system, yet the fee system is an evil system. Of course the State cannot make those fees a source of revenue.

Q. Then the salary system may cost the State treasury more? A. I think so.

Q. While it might save to litigants more? A. Yes, sir; and that will encourage litigation, which is a very bad thing; you will find that every time you have decreased the fees in any court you have increased the litigation; I found that so much so when I took charge of this office, I examined the fees which had been charged for the foreclosure of mortgages, and I concluded that that included several relics that could be dispensed with, theoretical charges, and I reduced the cost of foreclosing the mortgages in New Jersey by a very considerable item, as I recollect; I

revised the fee system of the office, and I am satisfied that the application of that to other litigation would encourage litigation; that is, if you cheapen litigation you encourage it; I don't believe the State would get any good by doing so.

Q. The employees of the Chancery office are largely persons who have been there for many years, are they not; it is a pretty thoroughly organized office? *A.* I retain, with one or two exceptions, which I discharged for reasons connected with the efficiency of the office, and one or two that resigned, all the clerks that I found there when I went in.

Q. It is important, is it not, to the conduct of an office with such a complicated business that there shall be highly experienced employees? *A.* Beyond any question.

Q. And it is at present in a high state of proficiency? *A.* I think the bar know that.

Returns of Official Fees of Allan McDermott, Clerk in Chancery.

For Quarter Ending.	Statement Filed.	Amount.	Total for Year.
1886—July 1.....	July, 1886.....	\$ 2,010 19	
	Oct. 1. October, 1886.....	1,116 41	
1887—January 1.....		1,098 15	
	April 1.....	1,995 73	
	July 1.....	2,638 53	
	October 1.....	306 96	
1888—January 1.....			
	April 1.....		
	July 1.....		
	October 1.....		
1889—January 1.....			
	April 1.....		
	July 1.....		
	October 1.....		
1890—January 1.....			
	April 1.....		
	July 1.....		
	October 1.....		
1891—January 1.....			
	April 1. January 16, 1894....	6,652 90	
	July 1... “	4,925 05	
	Oct. 1... “	866 78	
1892—Jan. 1...	“	6,841 00	
			<hr/> \$19,285 73

Apr. 1.	January 16, 1894....	\$6,909 43	
July 1..	"	3,990 57	
Oct. 1...	"	710 00	
1893—Jan. 1...	"	6,616 58	
		<hr/>	\$18,226 58
Apr. 1..	"	5,832 00	
July 1...	"	4,190 62	
Oct. 1...	"	1,007 00	
1894—Jan. 1...	"	6,808 70	
		<hr/>	17,838 32
Apr. 1..	Nov. 27, 1894.....	6,597 00	
July 1...	"	4,990 00	
Oct. 1...	"	540 00	
1895—Jan. 1 .....	.....	

BENJAMIN F. LEE, sworn.

Examined by MR. CORBIN.

Q. You are the Clerk of the Supreme Court? A. Yes, sir.

Q. And have been since what time? A. Since November, 1872.

Q. You have made returns each term since the act of 1879 of the judicial fees collected for the use of the State through your office, have you not? A. Yes, sir.

Q. And these files from the Comptroller's office which I show you, are they such returns? I observe that you have returned each term a gross sum; for example, you return March 1, 1895, total amount of fees earned by the entire bench for the term of November, 1894, \$2,004 04, less 5 per cent. commission by the statute, \$100.20, leaving \$1,903.84; I see that is not in detail, showing the number of writs and orders, &c. Where are those details recorded from which you make up this gross sum? A. In my cash journal or ledger.

Q. But you didn't spread that out upon your returns? A. No, sir.

Q. But the details are all there in your books? A. Yes, sir; they are all checked off from that upon a sheet, and then the sum total is taken.

Q. You have from 1880 to the present time remitted them these statements—you checked up the amount due the State? A. Always.

Mr. Corbin—Strictly speaking, the statute says these returns shall be made in detail on a form provided by the Comptroller, and I suppose a strict compliance with the act would say so many sealed writs, and so many

orders made, &c., so many rules entered, but these returns seem to be in excellent order, though they are possibly deficient in that respect, and the money is remitted. The reports of the Comptroller and Treasurer show that the money has all been received as per these returns. I have made up a schedule of these judicial fees which I will hand up for the inspection of the Committee. It will be remembered that during the early years, the first years after 1879, some of the Judges of the Supreme Court continued to receive fees until their terms expired, and it was several years before the system now in vogue came fully into use, so that the returns are necessarily smaller for those first years.

Net amount of Judicial Fees Returned and paid by Benjamin F. Lee, Clerk of Supreme Court:

Year.	Term.	Amount.	Total for Years.
1880—	Feb.....	\$177 41	
	June.....	272 88	
	Nov.....	503 37	
			\$953 66
1881—	Feb.....	\$873 22	
	June.....	1,247 25	
	Nov.....	1,364 95	
			\$3,485 42
1882—	Feb.....	\$1,106 59	
	June.....	1,489 01	
	Nov.....	1,269 83	
			\$3,865 43
1883—	Feb.....	\$1,541 24	
	June.....	1,363 91	
	Nov.....	915 23	
			\$3,820 38
1884—	Feb.....	\$940 31	
	June.....	1,414 92	
	Nov.....	1,088 19	
			\$3,443 42
1885—	Feb.....	\$1,065 45	
	June.....	1,388 29	
	Nov.....		
1886—	Feb.....	\$1,151 60	
	June.....	1,414 58	
	Nov.....	1,079 64	
			\$3,645 82

Year.	Term.	Amount.	Total by Years.
1887—	Feb.....	\$928 43	
	June.....	1,388 34	
	Nov.....	1,115 31	
			\$3,432 08
1888—	Feb.....	\$1,104 33	
	June.....	1,473 35	
	Nov.....	1,037 87	
			\$3,615 55
1889—	Feb.....	\$1,210 09	
	June.....	1,612 42	
	Nov.....	1,521 78	
			\$4,344 29
1890—	Feb.....	\$1,378 51	
	June.....	1,789 44	
	Nov.....	1,557 44	
			\$4,725 49
1891—	Feb.....	\$1,652 11	
	June.....	2,079 50	
	Nov.....	1,702 35	
			\$5,433 96
1892—	Feb.....	\$1,755 84	
	June.....	1,967 87	
	Nov.....	1,774 41	
			\$5,498 12
1893—	Feb.....	\$1,813 10	
	June.....	2,450 58	
	Nov.....	2,053 40	
			\$6,317 08
1894—	Feb.....	\$1,614 98	
	June.....	2,486 76	
	Nov.....	1,903 84	
			\$6,005 58

Q. That increase of judicial fees indicates an increase of litigation business, does it not? A. Yes, sir; the business has increased in the office very largely in the past five years.

Q. Those judicial fees, however, have relation entirely to suits and litigations, do they not? A. Yes, sir.

Q. And don't touch upon the matter of the searching? A. No, sir; not at all.

Q. In other words, they are the State's fees for writs and orders and rules? A. Writs and orders, and rules and judgments, and all fees pertaining to the cases—the Court's share of the taxed costs.

Q. You have also made returns of the fees received by you in

your office for your own use, have you not? *A.* By quarters; yes, sir.

Mr. Corbin—I have made a schedule of these returns as found in the office of the Comptroller which I will present to the Committee and then place upon the record.

Q. First, Mr. Lee, will you state on what basis you made up these returns; in other words, what do these quarter returns show? *A.* They show the amount of money received in the quarter for the business of the office done in that quarter. In other words, you take the term of November, which ends in February of the next year,—I report to the Comptroller the fees received from the first of January to the 31st of March, covering the business done in the part of the term which is in that quarter; you will find a discrepancy, or not a discrepancy, but you will find a very much less return in the third quarter, I think.

Q. It is the October quarter, I think? *A.* Because that term commences in June and ends in November; the quarter commences the 1st of July and ends the 30th of September; consequently I have received no money in that quarter for the business done in that quarter excepting incidental business, some searches which amount to comparatively little money.

Q. In other words, the business of your office is done by terms, and there are three terms in the year? *A.* Yes, sir.

Q. February, June and November? *A.* Yes, sir.

Q. While this law requires you to make returns by quarters, January, April, July and October? *A.* Yes, sir; and it has been somewhat a difficult thing to make these returns up, because you have to take the proportion of the term that is contained within the time.

Q. If the law requires those returns to be made by terms, it would be simpler, wouldn't it? *A.* A great deal.

Q. Then your returns show not the gross receipts by your fees and compensation for your own use, but only the gross receipts earned in the quarter and received in the quarter? *A.* Yes, sir; if the Clerk depended upon the receipts as indicated there, he would have a slim allowance.

Q. These returns then really don't indicate much as to the value of the office, do they? *A.* No; they indicate nothing scarcely.

Q. How do they come to be made up in that way? *A.* Well, it was a construction of the law at the time I filed them; they never were objected to by the Comptroller.

Q. The same plan was adopted in the Chancery office at that time, was it not? A. Yes, sir; these returns also show, at least it is stated in them, that they do not include receipts for previous years and previous terms.

Q. (By Senator Skirm)—Then your return is simply for the receipts of the quarter? A. The receipts of the quarter for the business done in that quarter, but I take the precaution to say, however, in the return, that it does not include the receipts for previous quarters or for previous years which have been received in that quarter; it is simply confined to the business of the quarter received during that time.

Mr. Corbin—The returns I think nearly all have that clause in; the return does not show much; it does not amount to anything as an indication of what the office does pay.

Returns Made by B. F. Lee, Clerk Supreme Court, of Fees Received for His Own Use.

For Quarter Ending.	Statement Filed.	Amount Returned.	Total for Year.
June 30, 1879,	July 25, 1879.....	\$830 59	
Sep. 30, 1879.....		179 37	
Dec. 31, 1879		1,379 48	
			\$2,389 44
April 1, 1880.....		\$1,546 76	
July 1, 1880.....		1,242 32	
Oct. 1, 1880.....		513 20	
Jan. 1, 1881, March 21, 1881		1,005 67	
			\$4,307 95
March 31, 1881.....		\$1,849 57	
June 30, 1881.....		2,346 53	
Sep. 30, 1881.....		582 63	
Jan. 1, 1882.....		1,326 25	
			\$6,104 98
March 31, 1882.....		\$1,637 50	
June 30, 1882.....		626 71	
Sep. 30, 1882.....		305 52	
Jan. 1, 1883.....		1,477 46	
			\$4,047 19
March 31, 1883.....		\$1,866 64	
June 30, 1883.....		2,732 36	
Sep. 30, 1883.....		398 86	
Jan. 1, 1884.....		921 39	
			\$5,919 15

For Year Ending.	Statement Filed.	Amount Returned.	Total for Year.
March 31, 1884.....		\$1,496 32	
June 30, 1884.....		1,986 66	
Sep. 30, 1884.....		335 65	
Jan. 1, 1885.....		1,616 05	
		<hr/>	\$5,434 68
Mar. 31, 1885.....		\$1,609 87	
June 30, 1885.....		2,568 90	
Oct. 1, 1885.....		521 51	
Jan. 1, 1886.....		1,537 14	
		<hr/>	\$6,237 42
Mar. 31, 1886..		\$1,809 57	
June 30, 1886.....		2,482 65	
Oct. 1, 1886.....		642 35	
Jan. 1, 1887.....		1,472 16	
		<hr/>	\$6,406 73
Mar. 31, 1887.....		\$1,938 20	
June 30, 1887.....		2,748 15	
Oct. 1, 1887.....		694 31	
(Jan. 1, 1888. Mar. 28, 1894.....		2,191 95)	
Jan. 1, 1888.....		1,561 17	
		<hr/>	\$6,941 83
(Sept. 1, 1888. Mar. 23, 1894.....		\$2,889 59)	
Mar. 31, 1888.....		1,734 09	
(June 30, 1888. Mar. 28, 1894.....		2,443 56)	
June 30, 1888.....		2,865 18	
(Oct. 1, 1888. Mar. 28, 1894.....		562 89)	
Oct. 1, 1888.....		619 64	
Jan. 1, 1889. Mar. 28, 1894.....		2,009 87	
		<hr/>	\$7,228 68
Apr. 1, 1889. Mar. 28, 1894.....		\$2,785 05	
July 1, 1889. Mar. 28, 1894.....		2,391 19	
Oct. 1, 1889. Mar. 28, 1894.....		595 27	
Jan. 1, 1890. Mar. 28, 1894.....		2,260 74	
		<hr/>	\$8,032 28
April 1, 1890. Mar. 28, 1894.....		\$2,907 21	
July 1, 1890. Mar. 28, 1894.....		2,563 18	
Oct. 1, 1890. Mar. 28, 1894.....		503 12	
Jan. 1, 1891. Mar. 28, 1894.....		2,378 91	
		<hr/>	\$8,352 42
April 1, 1891. Mar. 28, 1894.....		\$2,673 46	
July 1, 1891. Mar. 28, 1894.....		2,837 11	
Oct. 1, 1891. Mar. 28, 1894.....		581 91	
Jan. 1, 1892. Mar. 28, 1894.....		2,465 29	
		<hr/>	\$8,557 77

For Year Ending.	Statement Filed.	Amount Returned.	Total for Year.
April 1, 1892.	Mar. 28, 1894.....	\$3,012 17	
July 1, 1892.	Mar. 28, 1894.....	2,995 14	
Oct. 1, 1892.	Mar. 28, 1894.....	567 18	
Jan. 1, 1893.	Mar. 28, 1894.....	2,531 07	
			\$9,105 56
April 1, 1893.	Mar. 28, 1894.....	\$2,835 06	
July 1, 1893.	Mar. 28, 1894.....	3,222 15	
Oct. 1, 1893.	Mar. 28, 1894.....	543 15	
Jan. 1, 1894.	Mar. 28, 1894.....	2,385 60	
			\$8,985 96
April 1, 1894.	April 10, 1894.....	\$2,987 15	
July 1, 1894.	Aug. 11, 1894.....	3,574 26	
Oct. 1, 1894.	Oct. 16, 1894.....	591 26	
Jan. 1, 1895.	Jan. 21, 1895.....	2,497 21	
			\$9,649 88
April 1, 1895.	April 30, 1895.....	\$2,796 42	

Q. I observe that from January, 1888, to October, 1888, four quarters, there are two sets of returns on file, and they don't agree; do you know why that happened? A. Two sets of returns for the entire year?

Q. Two sets of returns for each of those four quarters? A. No, I don't know.

Q. The red figures are one set and the black the other. The statute says that the clerk shall keep a record of the fees and compensation received by him for his own use. Where is that record? I haven't a condensed record; this is a book account with the members of the bar; these three columns—this first column represents the column of fees or moneys belonging to the clerk; the second column represents fees belonging to the court, and the last column to the criers.

Q. This, then, is your record? A. That is my record of the fees.

Q. It isn't summed up in any way except to the individual accounts of the attorneys? A. That is all; here is one that is summed up; those three columns are added together, making the amount for that term \$107.69 for instance; then I take from each of these columns, from this column and from this, and from all the columns upon a sheet of paper the sum total of the fees belonging to the State.

Q. Now, I will ask you a question about that. You make those returns to the State each term? A. Yes, sir.

Q. And how do you make up the sum for which you give the Treasurer a check when you do that? *A.* I make it up from these by checking off from this book each individual item.

Q. From your ledger with the attorneys? *A.* From this cash journal; it is a day book practically, and upon a sheet of paper are taken each of these individual accounts, and the sum total of those having been compared carefully, having checked them off and then rechecked them so as to see that none are lost, I then make up the sum total of all the fees earned by—not collected, but earned by the court for that term, and as nearly as possible within the time required by law, ten days, not always possible, because it is very hard at the beginning of the term when the office is filled with lawyers to get off twelve hundred accounts or make up twelve hundred bills, as there are in these books, but as nearly as possible I make up the report for the State Treasurer under oath and give him a check for the money; I haven't yet collected a dollar.

Q. That money you pay over whether you have collected it or not? *A.* Yes, sir.

Q. The gross amount you have charged upon your books for services of the judges? *A.* I have done that in every case but one; in one recent term there were a large number of postea fees which came in, which I could not help, and I knew I would never get them—there are about a hundred dollars of those fees which I did not report, some I have collected since and paid to the State.

Q. With that exception, how much balance is that which is unpaid? *A.* Fifty or sixty dollars.

Q. With that exception you have paid over to the State all that is charged on your books for the services of the judges? *A.* Every cent of it.

Mr. Corbin—That I believe to be in strict compliance with the law, a clerk is allowed to take from that, 5 per cent. for his services in collecting it, and doubtless for certain losses which he will be sure to incur.

Q. You have deducted the 5 per cent.? *A.* Yes, sir.

Mr. Corbin—In other words, the law compels the clerks to collect their fees in advance; they have the right to do it. If they see fit to trust an attorney or party, it is their own affair, and therefore they are held answerable at the end of each term for the entire amount of the judges' fees, whether they are collected or not. You remember the county clerks, some of them spoke of the hardship of it, and others said they found no

difficulty; but Mr. Lee's system, as I understand his testimony, is an exact compliance in that respect with the requirements of the law.

Witness—I think I indicated an amount that was possibly due the State, yet from those uncollected accounts which I laid aside; it may be more than that, but it is a small sum.

Q. (By Chairman Voorhees)—And as a matter of fact, with that exception you have turned over all these fees, whether you have received them from the attorneys or not? A. Yes, sir; I turned them over within ten days; if the June term commences on the 6th, I have turned them in as nearly as possible on the 16th, and I probably haven't got a bill out before the 1st of July.

Q. (By Senator Skirm)—Then you really pay this money before you receive it? A. Oh, yes, sir.

Mr. Corbin—That is the case with most of the clerks. Mr. McDermott's is the same way, except that he has adopted the system of the lawyers making a deposit to meet these fees beforehand; all the members of the bar are, under the practice in that office, required to keep moneys on deposit there.

Senator Skirm—Then I would like to ask Mr. Lee whether he does the same thing.

Q. Do you require any deposit from the lawyers as against these fees? A. No, sir; I collected an account day before yesterday which was fourteen years old.

Q. (By Senator Skirm)—That is from lawyers, of course? A. Yes, sir.

Q. The five per cent. margin which the State gives you, that would probably keep you whole on the judicial fees? A. No, sir.

Q. Well, perhaps, there is something else in it that may? A. I think it is wise, as a matter of business, to pursue my course.

Q. To leave the judicial fees and take up this matter of yours, this book which you have shown us, which is marked "Ledger," which you have called "Cash Journal," which has a column of fees for the clerk, shows what you have charged up? A. Yes, sir.

Q. But not what you have collected? A. No, sir.

Q. Now, the law with regard to your own fees requires you not to state what you have charged up, but requires you to keep a record of what you receive? A. Yes, sir.

Q. And to make a statement quarterly of what you have received? A. Yes, sir.

Q. For the information of the State? A. Yes, sir.

Q. Now, what book have you got which shows that record?

A. The report which I have construed in the other way whenever reporting it.

Q. You have a cash-book which shows your receipts? A. Yes, sir.

Q. Will you show us that? A. That I haven't here; that cash-book is a personal cash-book, which involves all sorts of transactions, which I think I might be spared bringing into court.

Q. All your personal matters are in that book? A. Yes, sir.

Q. Your cash-book has not only the money coming to you as Clerk, but from your own money and business? A. Yes, sir.

Q. Have you any record to which you can refer which will show us at a glance, separated by itself, your receipts, fees, from the office of Clerk? A. No, sir.

Q. Well, how can you arrive at it? A. I have undertaken, at your request—started day before yesterday and worked at it last night until 12 o'clock, taking all the deposits in the bank, covering every deposit I have made for those years, and then eliminated from it all the items, as far as I could find them, which did not belong to the court business at all, and I have got them here as far as I can get them.

Q. And you have also eliminated the judicial fees which you paid to the State? A. No, sir.

Q. Are not they in your cash account? A. No, sir.

Q. The fees you have paid over to the State? A. I have simply taken my deposits, not my payments, because I have already taken them.

Mr. Corbin—I will ask Mr. Lee to make it up in the easiest way he can, so that we may see the gross receipts of this office for the use of the clerk, and the net value of it, with a view to composing any recommendation you see fit to make upon those facts. Mr. Lee has very kindly, as he has said, diligently gone at it, but it is a work evidently of very great labor. I think this statute contemplated the keeping of a separate record of this, but none of the Clerks seem to have done that. It is in their books, but it is mixed with an amount of other things.

Q. Now, Mr. Lee, have you gone over the past few years to see what the gross receipts are? A. I have gone over as far as I could do in the time I had; I went over 1894, 1893, 1892, 1891 and 1890; I went backwards; this I concluded last night at midnight.

. Have these figures as yet been verified? A. No, sir; I haven't even verified the additions of the columns, because I haven't had the time, and I found two of them here when I came to look this morning for a check book to show a check given the State in November term, 1891: I was unable to find the book; it is about the office somewhere, probably up-stairs; and I haven't the checks for June and November, 1893, but you can approximate from the other terms.

Q. Then these figures which you will give us are subject to correction? A. Yes, sir; I wouldn't want to make an affidavit to any of these.

Q. After your examination will you kindly have that investigation continued, so that you may lay before the Committee a written schedule giving the actual figures? A. Yes, sir.

Q. Then, for the present, I will ask you what is the total of receipts of fees and compensation, for the use of the clerk, for the year 1894; give me the gross of the clerk's fees after the judicial fees are taken out? A. 1894, \$46,004; 1893, \$31,605; 1892, \$37,370; 1891, \$34,438; 1890, \$42,054. May I call your attention to the very large amount in 1894 as compared with other terms; that is due to the payment in that year, in one of these quarters, of the bills of a title company, because I hadn't been careful enough to insist upon payment, but that had been running, I think, ten terms; their bills were large, and it was all paid at that time, and also some special work done in the way of searching for the roads of Hudson county at that time, and it altogether made quite a large sum of money which came into the quarter of this year.

Q. It made the receipts of the year exceptional? A. Yes, sir; exceptionally beyond—just about as much larger than the others as the amount is.

Q. Now, about how much annually is the total expense of your office for clerical assistance and other expenses? A. It varies somewhat, due to the sort of labor we have to perform, but possibly \$12,000 or \$13,000; of course there are the expenses of the clerk hire and some stationery which I pay for myself, and all the postage.

Q. You pay that yourself? A. I pay all the postage, yes, sir; some six, or seven, or eight hundred dollars a year, which is used for my own business and the State's business.

Q. You have been careful not to sponge on the State for postage stamps? A. No, sir, I have never had any postage stamps from the State.

Q. Then the value of the office, take it year in and year out, is about how much? *A.* That I haven't figured.

Q. Could you tell me approximately? *A.* This statement is all qualified with the suggestion that it is done very hurriedly, and there might be a mistake, always against myself, because it can only come from my failure to take out some personal items.

Q. So that if there is an error in it it is against yourself? *A.* Yes, sir.

Q. What do you make the net average value for these past five years, say, that you have mentioned? *A.* For the past five years?

Q. For the four years ending in 1893. *A.* The office has been worth about \$27,000 a year.

Q. Is that about what it was in 1872, when you took it? *A.* No: I think the office is very much less.

Q. Can you give an idea what it would be for the entire 23 years—the average? *A.* Well, I couldn't—I wouldn't like to, but I will give it to you; it depends largely upon conditions. This office of mine is valuable from three or four considerations; first, whether it is properly conducted, whether the duties of the office are well performed. I have in my place men who have been in that office since I came there who are thoroughly familiar with the business of the office, thoroughly competent to perform its duties in every department. There is scarcely a question in practice that could arise, which might tax the industry of an able lawyer to determine for the time being, that is at the tongue's end of somebody in my place, and therefore it makes a desirable office as in competition with the clerk's offices of the county for the lawyers to practice. Then, again, indulgence, long patience, 14 years and longer for example—22 years with some accounts—makes it convenient for many lawyers who are impecunious, haven't much money and yet who pay when they can; that brings business to the office. Well, then, another thing is the condition of the times; when the office is very largely dependent upon its searching for its profit—the litigation business is very largely absorbed by the expenses of the office. Now, when you have got a boom time, which comes about every twenty years in the world's history, in 1837 and 1857, previous to 1877, and now in 1897—the condition of things I think to-day are very much like about the time of the failure of Jay Cook Company, and the succeeding term after mine will be very much as it was after that; I think the business of the Supreme Court during the flush times of the Southern Pacific Railroad and the great enterprise of wild and reckless speculation in town

lots, such as we have had recently, give to my office a great source of profit. Now we have had a similar condition at this time, and the last term, the last year, 1894, and 1893, and 1892, as seen here, are very profitable years, and compare very favorably with the preceding years, because when you can cut up farms that are worth \$150 an acre into town lots and sell them for \$2,800 an acre, and make a provision for a population in five years of a city which is as large as it has taken 150 years to make before, and make a Supreme Court search on every lot, and a half dozen times if it is sold again, why you have got a business almost without limit; but that must end as it ended after the failure of Mr. Cook in Philadelphia. Why, my business practically fell off—my searching fell off one-half and the office had comparatively little value.

Q. When the searching falls off, when these land booms collapse, does the other part of the business increase measurably—the litigated part? *A.* No, sir, that falls with it because for this reason: if a man has a house estimated to be worth \$20,000, and he is indebted \$10,000, he can usually borrow some money to pay the debt, but when the sheriff commences to make values, as it is quite likely he will commence very soon now, and repeat the experience of the conditions following the failure of Jay Cook times—that when the sheriff commences to make values and it is discovered that your neighbor's house, which is like yours, sells for the face of the mortgage, then the equity which you have in your house is very much lessened and it is possible it may not be worth while to bring suit; but the Chancery Court will grow into large proportions, because they have the foreclosures, and their will be some searching in the Supreme Court Clerk's office for the foreclosures—but then the mass of business that has been going on now for the past three or four years cannot surely be expected to continue for the next five. That is a question which I have taken the liberty to suggest and which should be taken into consideration with reference to the treatment of the office from a running standpoint for the next five years.

Q. Let me ask you about important litigations, what has been the tendency in these past few years, is it toward the court of equity or courts of law? *A.* It is toward the court of equity; it is leaving the Supreme Court and going into Chancery.

Q. Then in times of collapse, when there are many foreclosures, that tends to swell their business? *A.* Swell their business and depreciate mine.

Q. But there is a growth in your litigation with the growth of the State? *A.* Certainly.

Q. The judicial fees of your department are quite considerable? *A.* Yes, sir.

Q. And, I should imagine, was a fair test of the volume of litigation? *A.* Yes, sir; and the growth of the business. But I suppose it will suffer in common with the searching.

Q. There is another subject I would like to speak to you on, aside from fees. Your office is the depository of the records of litigation in this Commonwealth, as I understand it, for two or three centuries back, certainly for two centuries? *A.* Yes, sir.

Q. Are those records of litigations prior to the Revolution in your possession now? *A.* Yes, sir; going back to 1685.

Q. Will you kindly tell us where they are and what their condition is; it seems to me a matter of historical, as well as other interest? *A.* May I tell you in a few words the history of that proposition?

Q. Yes? *A.* These records of the Supreme Court, commencing with 1685, comprised chiefly parchment writs and old English hand-made paper—which, by the way, has lasted through times much better than the parchment; were contained in boxes and piled away on the shelves in the vault. The declarations were by themselves by terms, and the writs were by themselves, and the pleas were by themselves, and it was almost impossible to find them. When the fire came in the State House the vaults, which were fireproof, were not waterproof; so, on the morning after the fire the walls were covered with icicles and the pipes charged with water, and each man, of course, in the State House, anxious to protect his property, gathered as much help as he could and they were carried down into the cellar and put into the vaults and were stirred up to dry out. Then we moved from here over to the building opposite; then they commenced the erection of this building; after it was finished, and while the papers were still in the cellar, I think Senator Griggs asked me if I could find some papers bearing upon some litigation or partition near Paterson, and I told him if he would go with me I would show him the papers; he expressed some surprise at their condition; I told him that they were in much better condition than they were before; then he had to climb a ladder, and now he could sit down on a keg and find them at his leisure.

Q. They were on the floor in the cellar in the State House? *A.* Yes, sir; like so many bushels of potatoes; and he said “couldn’t these be arranged?” I said “I should be delighted to arrange them; it would be the delight of my ambition to arrange these papers,” and he said, “what would it cost?” I said, “I don’t know what it would cost;” “what would I do it for?” I said I

would do it for nothing ; if the State would pay the cost of the clerical labor, I would superintend it and would be very glad to do it ; he said, " shall we vote you \$3,000 " ? I said, " as you like ; I will use it all, or as much of it as may be necessary " ; so they voted the \$2,000 and I employed the clerks ; I took one side of my vault and made 26 compartments for the initial letters, and as I picked up these papers I threw into each compartment the plaintiff's name with the initial indicated by that box, threw it in there until I would have four or five bushels of W's and as many bushels of S's ; then when I had completed this I went on the other side of the vault and made 26 other compartments, in which I subdivided all my A's ; then I vowelized them so as to make them convenient to discover in my index, and indexed them conveniently for the public ; then I commenced my index, and after two years and a half I think I ran out of money ; the Attorney-General and Mr. Barker Gummere and the Chief Justice had expressed themselves that they were very desirous that this work should continue, and a further appropriation was made by the Legislature upon a little bill which Mr. Gummere drew, continuing the work, and an appropriation of \$3,000 was made ; about two years ago I came to the conclusion that that money wouldn't hold out, as it was an interminable job ; it was necessary, in deciphering some of those papers, to have a magnifying glass to determine the cases, and I may say to you and the Committee that from half past eight in the morning until five o'clock each day of my life, with occasionally a vacation, but not often, I have devoted my entire time to perfecting and completing that index, without compensation to myself, simply for the satisfaction of having completed a work which I think will be of immense service to the State, and I hope to have them so completed at the expiration of my term that not a name that has ever appeared in the Supreme Court—and there will be possibly 750,000 names—that I will not be able to find for any person who may inquire for it, in two minutes from the time the inquiry is made ; it is valuable in many ways, as a geneological record, because in almost every case the plaintiff or defendant had his occupation stated in the writ, as well as his residence. If his wife was named it was usually stated who she was ; if she was a widow, whose widow she was, and in many cases whose daughter she was, so that you not only have a valuable record of the court cases, but you have to a very large extent a very valuable geneological record.

A very important case was determined, as I may say to the Committee, recently in which a suit against the Earl of Sterling,

William Alexander, was depending, the present occupants, I think, claiming the property under a supposed sale by the sheriff upon an execution obtained from a judgment that was held by the State, the decedents claiming that that judgment had expired by limitation, that no execution had ever been issued, and, consequently, there was no deed from the sheriff; if there had been, these people were not entitled to possession of the property; so, upon application, I went through all these papers, which would have been impossible before. I found as many as 25 or 30 envelopes possibly containing the pleadings in the case, for the purpose of supplying each individual case, but I found no case of The State against William Alexander; but I did find a case of some individual against William Alexander, Earl of Sterling, and upon going into the envelope I discovered the papers that are ordinary in a case of that sort, with an execution issued to the county of Somerset, with the return of the sheriff, "no property;" an execution issued in the county of Essex returned "no property;" and an execution issued to the county of Monmouth, with the return by the sheriff with a levy upon this property, and turning it over on the back was the record of the sale; and upon the requisition of the party I made him a certified copy of this paper, which probably was about the first that had been made of any paper since the Revolution.

Q. How old was that writ? *A.* That writ I think was in 1770 about.

Q. So that you find these papers have still a value as title records? *A.* I have often had inquiries; they have ceased to make inquiries long ago because they knew they couldn't find them. Professor Scott, of Rutgers, wanted to demonstrate, I believe the first decision of the court against the act of a Legislature, claims that he had found it in these papers in the Supreme Court of New Jersey, and used them in his address the other day, I think, at the Historical Society's meeting, for the presentation of a medal to General Harrison.

Q. Are these papers still in a condition so that with proper care they can yet be preserved for a long time to come? *A.* Yes, sir; they have been in existence for 200 years, and they will continue now for all time.

Q. And during your present term you hope to entirely complete that work? *A.* I hope to entirely complete it, and I propose to go on and do it; I don't propose to ask the Legislature for any more money.

Q. (By Senator Skirm)—Allow me to ask how much money altogether has the State appropriated for this work? *A.* \$5,000.

Q. (By Senator Skirm)—Then this work has been done by you for \$5,000 for clerk hire? *A.* Yes, sir; I paid the expenses of the last year myself; I paid both clerks last year out of my own bank account, because I saw I was going to need money for my indexes, and without I did something towards it myself—I was anxious to have it done, I have given my own work to it; I have been for two years and a half working on it, but the work of my office has gone on with my assistants in the office.

Q. There is no further donation necessary then on the part of the Legislature to preserve those records? *A.* No, sir; I think I shall be able to finish it; it is a matter of interest possibly—I am indebted very largely to Senator Griggs for the interest he took in it at the beginning.

Q. Will you kindly continue these statements which you have commenced to make and verify them and lay them before the Committee as soon as you can, that they may put them in the record? *A.* Yes, sir; I might state that what ought to be taken into consideration is that the last year of the Clerk, he will have a bitter experience likely in the failure of a great many to pay their bills, because he then will be powerless to enforce the order of the court that they shall pay after the first term; a great many men, of course, cannot pay; they have to wait until they get their costs, young lawyers who are impecunious. All these men who are disbarred, unfortunately I have had some experience with them; one who was recently disbarred I have two notes protested of \$225, for which I have paid the State \$107 for its share of the fees, and a like experience with a good many others that I can name; many of these accounts are paid by notes; I think my notes that have passed through my books for payment of accounts number some eight or nine hundred; many of the accounts are collected by drafts; at the last term I sent out thirty-six drafts through one bank; there came back but two; I sent forty-six drafts to another city and there came back but five; through the Trenton Banking Company I sent one hundred and twenty drafts, and there were thirteen collected.

Q. (By Senator Skirm)—Do I understand these drafts are made upon lawyers? *A.* Yes, sir; for any number of terms; never for one, never for two, and never for three; but not until they have got to be four or five terms, or two or three years, when I make out a draft, and the loss is very likely to be great at the last year. I think Mr. Barker Gummere's experience was a very bitter one; I think my friend over yonder (indicating Mr. Little) may possibly, if he were

called upon, state some of his experience. I have understood that Mr. Little's losses were \$30,000; Mr. Charles B. Smith's were \$32,000, of which he collected \$5,000. So in estimating the value of the office, I think it is wise to take a little account of what is to come off.

Mr. Corbin—There is a silver lining to this cloud. The emoluments of the office which Mr. Lee has stated to us, \$27,000 a year, is the value of the cash receipts already received, and while it may be a bitter experience, still for several years after the Clerk goes out of office he will have this fund to draw upon and will get this income by fragments that will be coming in from these attorneys who do not accept the drafts.

[Mr. Lee's Statement. See Schedule at end of the book.]

INCREASE OF STATE EXPENDITURES.

I desire to lay before the Committee for the purpose of entering in the record some schedules which I have had prepared in regard to the expenditures of the State for a series of years, which will give you the facts in a way that you cannot get them by merely looking at the printed reports that we now have. First, I have a schedule of the total expenditures of the State from State Fund, so called, for the past twenty years, and I have asked the Comptroller to separate them into ordinary expenses of government, and extraordinary expenses. Of course it is largely a matter of judgment what you will call extraordinary expenses, but the Comptroller's Department has been over it very carefully, and also submitted it to counsel, and finally agreed that the column which we have called here "extraordinary," are the unusual expenses. This schedule shows the total for twenty years, from 1875 to 1894—the gross expenditures in 1875 were \$1,720,000; in 1876, \$1,639,000; in 1877, \$1,498,000; in 1878, \$1,476,000. Those were exceptionally large, because in those years the State was paying something like a half million dollars a year for the completion of the Morris Plains Asylum. After those years beginning with 1879 the gross expenditures of the State were about a million dollars a year for a number of years, and they did not sensibly increase until 1885, when they were about \$1,200,000, and then in 1887 \$1,400,000; in 1889, \$1,400,000; in 1890, \$1,600,000, and so on up until last year, when they were \$1,930,000. In these last few years there have again been extraordinary expenses; last year \$184,000 for armories,

and so forth; in the year previous about \$200,000; in the year 1891, \$290,000, extraordinary for the rebuilding of the Assembly Chamber and such expenses.

The payments for the public debt, which are in still another column, run about the same, \$90,000 a year; last year they were \$92,000; they vary, however, and will vary hereafter according to the dates of the maturity of the public debt, which is rapidly being retired.

The column here which I think is most interesting, and which may have some value to you, is the column showing the ordinary expenditures of the government. They were in 1875, \$796,000; in 1876, \$891,000; in 1877, \$908,000; in 1880, \$900,000; in 1885, \$1,109,000; in 1890, \$1,384,000; in 1894, \$1,653,000. They have considerably more than doubled in twenty years; and it is curious to note that for the first ten years, from 1875 to 1884, there was a very slight difference in the State expenses; they had only increased from \$800,000 to \$1,000,000; but from 1885 to the present time, the increase has been very rapid: the judiciary is one item of rapid increase because of the added number of judges, the greatly increased salaries, and furthermore the introduction of the salary system; the judges were formerly paid by their fees; the judiciary expenses have gone up from \$65,000 to \$171,000.

The expenditures for the military department of the State have very remarkably increased; twenty years ago they were \$44,000; last year they were \$219,000; the increase has been steady, and yet in these last ten years it has gone up by leaps and bounds. In 1885 it was \$89,000, and that was by far the largest up to that time. Now, to take up this militia matter, you will remember that the most serious strikes I suppose the State ever had to deal with were the railroad strikes of 1877; the militia expenses that year were about \$37,000, but the next year when the bills were paid they were \$66,000; they immediately dropped back to \$55,000, but then the militia was strengthened, and after 1879 they have never been less than \$60,000, except in one year; for these past nine years they have been above \$100,000 in every year, except in 1892, and I ought to say that this extraordinary sum of \$219,000 last year includes \$88,000 for armories, but I ought also to say that this list of funds charged to the militia account in this statement does by no means include all the cost of the military department. The Adjutant-General's office is not here; the Quartermaster-General's office is not here; the pensions connected with the militia are not here; none of these asylums or retreats are here; there are other expenditures

which smack of military service that are not mentioned here at all.

The expenses since the establishment of the State Camp at Sea Girt have, of course, necessarily increased. I have made nothing more than a surface examination of those expenditures, but the mere reading of the printed book shows very heavy expenses, which might well raise the question, I think, in the minds of the Committee, whether an annual appropriation fixing the sum for the maintenance of the militia would not be a good thing. As it is now, there is no limit in the law to what may be spent, and when men are free to spend all they please they are apt to spend a good deal.

Senator Skirm—I presume the increase of the last ten years is because the law was changed by which the men attending the annual encampment at Sea Girt were paid for their time?

Mr. Corbin—That for the last eight or ten years has added very largely to the expenses.

Some laws have been passed this year which are likely to add to this military budget, the organization of African companies and the law for the establishment of the Naval Reserve. Those will be expensive if they are to be kept up.

Now take the Bureau of Statistics of Labor and Industries; those things grow. Take the inspection of factories and workshops, and take the Dairy Commissioner; take the State Board of Taxation; you have two State Boards of Taxation drawing pretty good round salaries; one the State Board of Taxation and the other the State Board of Assessors. Take those things and add them up and you will be surprised at the total that has been added to the State expenditures for this great variety of luxuries which we now enjoy. The game and fish wardens to protect the fish that we are supposed to have in Union county and other counties, will cost the State more than \$30,000 this year.

Chairman Voorhees—There are more game and fish wardens in Union county than there are fish.

Mr. Corbin—Now, of course the expenses of the government will expand with the population, and all that, but it does seem that if there is a desire to curtail and limit them there is ample opportunity of doing it; it will have to be by change of existing laws, however.

Senator Skirm—On this great increase of expense of the militia, does your examination show where that expense has been incurred. Does the camp at Sea Girt add largely to the expense?

Mr. Corbin—Somewhat; but is only one of the large items.

Senator Skirm—They have a very valuable plant there.

Mr. Corbin—The rifle practice is very expensive—\$20,000 a year. Now, whether that could not be conducted in connection with the other drills when the regiment is camped there, I don't know.

Senator Skirm—I think the order of the State Military Board in the last week somewhat changed the method by which the regiments will go into camp separately and have their rifle practice at the same time, which will be a very great saving possibly to the State.

Chairman Voorhees—Isn't that expense incurred by rifle practice largely made up of the salaries to the officers?

Mr. Corbin—The range officers are kept there for some months; the men are not paid while they are shooting; their transportation is paid while they are shooting, but the officers are kept there at the expense of the State. The details of those things are better understood by military men than by a man of peace, like myself, but it does seem in that account there might be a curtailment, and I suggest to the Committee the propriety of an annual appropriation.

COST OF THE DEPARTMENT OF MILITIA.

Year.	Militia.
1875.....	\$44,725
1876.....	65,947
1877.....	36,977
1878.....	66,020
1879.....	55,839
1880.....	82,245
1881.....	73,515
1882.....	70,692
1883.....	62,887
1884.....	71,823
1885.....	89,861
1886.....	109,042

Year.	Militia.
1887.....	\$108,597
1888.....	114,968
1889.....	123,516
1890.....	144,882
1891.....	119,539
1892.....	84,814
1893.....	117,695
1894.....	219,773

Note.—In the item of \$219,773 for militia, 1894, is included the appropriation for armories, amounting to \$88,890.98.

Recess.

Mr. Corbin—I referred this morning, among other expenditures, to the expenditures of some of the smaller boards and bureaus, and among others was the Bureau of Statistics of Labor and Industry. I will take that up now, with the permission of the Committee.

CHARLES H. SIMMERMAN, sworn.

Examined by Mr. CORBIN.

Q. You are the Chief of the Bureau of Statistics of Labor and Industries? A. Yes, sir.

Q. And have been how long? A. Two years the first of last April.

Q. When was that Board established? A. 1878—I think March 14th.

Q. I see in the Treasurer's accounts, payment first, of salary—your own salary, \$2,500, and then paid to you for disbursements at different dates \$5,235.37 for the last fiscal year, making a total of \$7,735.37. I have here one of your vouchers to the Comptroller, and I see by the method of keeping your accounts that the money is all paid directly to the Chief of the Bureau. Will you explain how you keep your accounts—why it is paid in that method instead of being paid directly to the claimants? A. Only under the law, as we understand it, that the appropriations are to be disbursed on vouchers by the Chief—certified by him.

Q. You refer to the act establishing the Board? Yes, sir.

Q. Approved March 27, 1878, Pamphlet Laws, Chap. 105, do you? A. Yes, sir.

Q. The fourth question is as follows: "That the compensation of said Chief shall be \$2,500 annual salary, and he is hereby authorized, in concurrence with the Governor and Comptroller, to employ such assistance and incur such expense in the dis-

charge of his official duties, not exceeding the sum of \$2,000, including printing, stationery, traveling expenses, postage and so forth; provided that no assistant shall receive more than four dollars per day." That annual appropriation has been increased, has it not? *A.* Yes, sir.

Q. Until I see, last year, you spent \$5,235? *A.* Well, the \$200 was the amount as it came to me by Mr. McNeely, the Assistant Comptroller; the State paid for the blanks, printing, &c.

Q. Well, the appropriation was \$5,000? *A.* Yes, sir; we didn't exceed our appropriation.

Q. (By Senator Skirm)—It the amount expended by your department was \$5,235, how is it you didn't exceed the amount? *A.* Some years ago when the contracts for giving out the supplies by contract the first of April, our department was included among the other departments. Now, I never saw that statement in the Treasurer's accounts until this spring, and I asked Mr. McNeely and he said there was no other place to account for it only in that way; that is all I know about it.

Q. Your appropriations as now made are also made exclusive, are they not, of printing, stationery, supplies and salary of secretary? *A.* Yes, sir.

Q. So that really the appropriation has not only been increased from \$2,000 to \$5,000, but these other items must be added also. Now I see in last year's Treasurer's report, paid McCrellish & Quigley, for printing 4,500 copies of your report, \$2,955.64, which is in addition to these figures that I have shown you? *A.* Yes, sir; that always was the printing of the reports.

Q. No. The act as originally passed required that the \$4,000 should include all your printing, stationery, postage, &c. *A.* I have always understood that the printing, as interpreted by the act, included the current necessary printing.

Q. Then you mean to say that your annual report has always been printed outside of your appropriation? *A.* Yes, sir; from the start.

Q. So that the appropriation of \$5,000 which the Legislature makes really is only a starting point towards arriving at what your bureau costs? *A.* Well, that is so; that always has been included in it.

Q. Now the salary of the Secretary is, by these later acts, also excluded from your appropriations? *A.* Yes, sir.

Q. How much is that? *A.* \$1,200.

Q. That is in the salary account of the Comptroller's office? *A.* Yes, sir.

Q. I will call off these amounts; if I fall in error will you kindly correct me. Expenses for the year 1894:

Salary, C. H. Simmerman, Chief.....	\$2,500 00
Salary of Secretary James A. Morgan.....	1,200 00
Printing Annual Report.....	2,955 00
Expenses.....	5,235 37

Total	\$11,890 37
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And then you get some stationery, supplies, &c., outside, also, do you not? A. I don't know what they cost, but it is that item in the report that you read.

Q. But under the law as now amended you also have stationery supplies outside; how much does that amount to? A. I don't know, because it is included in the 200 some odd dollars.

Q. The total of the items we have got is \$11,890. I observe that this, nearly \$3,000, is for printing this annual report, which is a pamphlet of 490 pages, almost all of it figure work; that is the price, I think, even by contract, isn't it? A. Yes, sir.

Q. Do you need so many copies as 4,500? A. We did have 8,000 up till within—for four or five years, till during the last administration of Governor Abbett.

Senator Daly—It is the most valuable document published in this State.

Mr. Corbin—You refer now to the lawyer's brief in the end of it?

Senator Daly—No, I refer to the whole thing.

Witness—Why it was reduced to 4,500 I don't know; it was during the time Mr. Bishop was Chief.

Mr. Corbin—Here are tables showing the average rent paid by milliners; that may be important, but it doesn't seem to appeal to me.

Senator Daly—It appeals to the laborer in this State.

Mr. Corbin—No, they don't give a hooter for a milliner; she doesn't belong to the labor union.

Q. Did you find 8,000 to be too many? A. Why it was reduced I don't know; we always, up till within the last three or four years, never could supply the demand; our early numbers are all out; whenever our books are wanted, we have to buy them.

Q. There are a thousand copies of 1888 yet on hand. A. Yes, sir; I will explain that; up to within the time that Mr. Ford came into the State House the old janitors used to reserve 1,500 copies that they sent to the Members and the Senators, made up

a box with other supplies, and they always retained that many of our books; but since then they have not been doing it, and that is the number now that is on hand of these recent years.

Q. Who is there that demands these to such great extent?
A. The labor organizations generally, but the lawyers largely. I think we get as many applications from lawyers as any individuals except the labor organizations.

Mr. Corbin—When Mr. Naar's matter was under inquiry the other day some one used the term "fat." I would like to have the Committee look at this report of 1893. This is a very expensive report, even by contract it costs nearly \$3,000.

Senator Skirm—They don't pay for a whole page when there is only a little on it?

Mr. Corbin—That is the testimony; even blank pages are paid for.

Q. Couldn't you, by a little judicious condensation, or gathering these reports together, get them into less than 500 or 600 tables?

A. I will state that we have what we call a contest, every year with the printer, to condense, but the printers have a rule of doing the work under contract to suit themselves; we have no control over them.

Q. But they give a page to every table you give them even if the table has only a dozen figures in it. A. Of course, they have the manuscript and they place it in the book to suit themselves.

Q. But is there any value in continuing to repeat these tables year after year? A. Well, that would be a long question to answer. There isn't no repeated tables except in one line of investigation and that is the duration of trade life. We have attempted to investigate the period of time that men usually follow a trade.

Q. (By Senator Skirm)—Can you find that out by your statistics? A. We have now succeeded in about forty-six different trades; the work has been circulated throughout the whole world nearly; I have never heard any adverse criticism by any of the scientists or anybody else.

Q. They don't criticise it at all, do they? A. Well, our books are in nearly all the libraries of the industrial countries of the world. It was discussed in the World's Statistical Convention in Breslin two years ago, and that particular feature was commended very high.

Q. About finding out how long people worked at a trade?
A. Yes, sir; that particular line of investigation.

Q. How do you find out all about these facts? *A.* We have a formulated blank with certain questions, and we require to obtain an individual statement from all the workmen in the establishments that we are inquiring into.

Q. And you tabulate those responses? *A.* We get what we—

Q. Get all the workmen in the State? *A.* No; in that particular branch; for instance, the glass-blowers, the hatters and the potters, was the first year's work; now we got all of them over 21 years of age.

Q. (By Senator Skirm)—Do you think that possible? *A.* Well, we get about—

Q. (By Senator Skirm)—Because it don't strike me as an intelligent man that it is within the bounds of possibility to do it.

A. I can say this; we got the number in my own trade, the glass blowers; I know just how many there were in the trade; I know how many we got.

Q. That is a trade that is confined to narrow limits geographically, a peculiar trade in every respect; but you take any ordinary trade like the carpenters or people working in factories of any sort, what do these statistics amount to more than the compilation of a lot of fragmentary facts? *A.* I don't consider them fragmentary.

Q. What more could you get except by a force of census takers? *A.* Let me explain that; for instance, we are inquiring into the textile trades, woolen and cotton—

Q. Silk? *A.* No. Now, in order to arrive at it we have to select establishments, for instance, that have been in existence for a long period of years where the workmen have had an opportunity to remain for successive generations. Now, we can't take all the woolen establishments in this State, it would not be an indication—that is, where they have doubled their capacity for instance, that would not be fair. Now, when we take the old establishments, supposing we get four or five now, and get all of the workmen in those establishments, we believe that that is reliable.

Q. Suppose you find out that girls do work in a woolen mill an average of six years, before they get married or die, what does it amount to after you have got it done? *A.* It would show that whatever the general average is, that that was the average of the people working at a trade life.

Q. What value is that after you have got it? *A.* It is this: supposing we maintain that if with a workman, a man for instance can only work a period of 15 years at a trade.

Q. You mean that he only does work that period? *A.* Suppose at that period they begin to fall back, because that is especially what we inquire into, one of the features, it would certainly, in an equitable adjustment of wages indicate that a man working at that trade ought to be paid more wages than one where a man can work 25 years.

Q. That sort of information belongs to peculiar trades like glass blowing and such trades as that, unwholesome trades?

A. You can only compare trades.

Q. Now, the most numerous trade in New Jersey, the carpenters and farmers' trade; have you made any figures with regard to their longevity? *A.* Haven't reached them yet.

Q. Don't you think that a serious inquiry into that trade would show that getting up at 4 o'clock in the morning was very unwholesome? *A.* Well, I haven't thought about that; I don't think it would be necessary.

Q. Why didn't you think about the farmers, one of the most numerous classes, as well as the glass blowers, who are one of the smallest of all classes; why shouldn't you do so? *A.* In order to complete our work I should say that the farmers before the table is complete, before the work is complete, that ought to be done so that we can compare the relative duration of occupations.

Q. (By Chairman Voorhees)—How long do you suppose your labors would be continued in gathering these statistics.

Senator Skirm—During his natural life.

A. I should say this in reply to the Chairman: in 1878 when I was before the committee in this Senate asking to have this bureau established, one of the Senators asked me this question: What good I expected would come from the establishment of this bureau; what good would it do the working people? My answer was, that I couldn't tell for nearly a generation, because it would take that time to collect sufficient matter to make anything like a generalization.

Q. (By Chairman Voorhees)—That is thirty-three years?

A. Yes, sir; we have gone on, and since then thirty-three States in the United States and the general government has established similar bureaus; five of the principal governments of Europe have imitated us.

Q. Is New Jersey the pioneer in this business? *A.* Massachusetts was first: that was established, I think, in 1868 or 1869; Pennsylvania was established too.

Q. (By Chairman Voorhees)—There is a national bureau, is there not? *A.* Yes, sir.

Q. (By Chairman Voorhees)—Doesn't their work include just this work that you have been engaged upon? *A.* No, not exactly on the same line.

Q. (By Chairman Voorhees)—This is more in detail? *A.* Not in the lines in which we undertook particularly; yes, it is too; it applies more to New Jersey industries; the bureau at Washington of more of a national.

Q. They don't exclude New Jersey? *A.* No; for instance, in investigating women's work as comparative, I think they took six establishments in Newark, some years ago.

Q. Then until Massachusetts and New Jersey began to get together this sort of information, it was something new in the history of the world? *A.* We understand it.

Q. Whose theory was it that this sort of thing was of value? *A.* I will tell you what I understand to have been the origin of labor bureaus. The trades unions of the country in the sixties formed what is called the National Labor Congress. I think it was in 1867 or 1868, was the first time that that body of representative men, who represented about 500,000 organized workmen, for the first time in the history of this country, they attempted to formulate a platform, or demands to improve what they considered their conditions. William H. Sylvus, president of that body, made this remark. He says: "We can formulate resolutions of our opinions just as well as any other convention can do or has done in the past; but," he says, "after all, it is nothing more than our opinions. What is needed is the facts, the data," and offered a resolution which was incorporated into the platform of that convention, asking for the establishment of labor bureaus, for the collection of statistics by the general government and of each of the States. Within a year or more after that the Massachusetts Bureau was instituted, and the balance of them have followed successively.

Q. Is it your theory that by getting these facts together, showing about how long a man will work at a trade, or will live at it, that you can regulate his wages in any degree by these tables?

A. In answer to that I would say, I don't think a man can do anything that he don't know; the first thing is to get the facts.

Q. Well, isn't it a commonly known fact that supply and demand and the character of labor, which is well understood, like glass blowing, for instance, that causes which are entirely beyond statistics are bound to regulate these things? *A.* No, sir; I don't think so.

Q. You think the statistics are more powerful than supply and demand? *A.* I don't think there is an effect without a cause.

Q. Take glass blowing; it is well known that men engaged in that unwholesome occupation get exceedingly large wages while they work? *A.* I don't think it is because of the unhealthy occupation.

Q. (By Senator Skirm)—Then why is it? *A.* One of the reasons that I would say why they have got high wages this last 20 years, is because they have had a very strong organization. There have been no foreign workmen come into the trade. Ninety-eight per cent of all the glass-blowers are Americans.

Q. (By Senator Skirm)—Is that the reason, then, that they get higher wages, than because of the other elements?

Senator Daly — They are protected by unions.

A. That was one of the reasons.

Q. Do you think your statistics helped it? *A.* There are other reasons why one tradesman gets more than another.

Q. Aren't the causes which influenced these matters so subtle that no tabular arrangements can affect them materially? *A.* No, sir; I have been studying these problems for the last 30 years, as to what settles them.

Senator Daly — As a matter of fact, hasn't it been organized labor that has generally regulated wages?

Senator Skirm—Regardless of years, you mean?

Senator Daly—I don't care what it is.

Witness—No; I wouldn't say it in that broad sense. In special boards it is; labor has never been organized sufficiently strong except in a few trades, to control wages where they have been.

Q. By Senator Daly—Wherever organized labor exists, isn't the wages higher; isn't that so? *A.* You can date the periods of highest wages in the organized trades to the periods when they have had the best organizations.

Q. Now, we are generalizing; it is a matter of opinion. Farm hands are not organized as a rule and yet their wages are very high. *A.* It is just because we do all have a separate opinion is the very proof, and is the proof that these things are not understood, are not scientific; if they were scientific there would be no disputes about them.

Q. Do you fancy you can reduce them to any mathematical basis by pursuing these tables? *A.* We believe we are pursuing the only course by which that can be arrived at; that is my opinion.

Q. To recur to your bill which I showed you at the outset; I see you put in a bill to the State for disbursements; this one of May, 1895, is for \$381; who are these people named here, for

example, Michael J. McKennon, \$106? A. He is what is called an enumerator.

Q. Reuben Cheesman, \$78; James J. Morgan, \$136? A. Same character, traveling expenses, &c., incurred.

Q. Under the present management you employ these people to do the work which you consider valuable for the bureau and pay them yourself, and put in your bill to the State; is that it? A. No, sir; they make out bills and I approve them, if I believe they are correct, and present them to the Governor, and he writes his approval.

Q. He approves your account? Q. Yes, sir; now then, I draw that money; my checks are made out, Charles H. Simmerman, Chief; I deposit them in the Mechanics' Bank in the name of Charles H. Simmerman, Chief, and draw my checks for these amounts, signed Charles H. Simmerman, Chief.

Q. To these individuals? A. Yes, sir.

Mr. Corbin—I draw the Committee's attention to that; it is in the same line as the matter of the Dairy Commission, to which I before called attention; it is exceptional in the management of the finances of the State. The ordinary way of paying people who are in the employ of the bureau or an officer is to pay them the State's check directly, and I have called attention to it that the Committee might consider whether they would make a recommendation with respect to the method of the management of the board and other boards.

Q. (By Chairman Voorhees)—Can you give the Committee an idea of the probable amount of expenses for the ensuing year?

A. Precisely what the appropriation is, \$5,000, except the printing of the reports and the stationeries; so far as we know, about the same as last year.

Mr. Corbin—I desire to offer in evidence, and have entered upon the record this schedule which I presented this morning, of the gross annual expenditures of the State for the past twenty years.

STATEMENT OF EXPENDITURES FROM STATE FUND FOR TWENTY YEARS—ORDINARY AND EXTRAORDINARY.

	Gross.	Ordinary.	Extraordinary.	Public Debt and Interest.
1875	\$1,720,635 31	\$796,339 14	\$753,526 39	\$170,769 78
1876	1,639,147 47	891,798 77	571,000 00	176,348 70
1877	1,498,200 79	908,877 64	409,403 78	179,919 37
1878	1,476,855 28	986,988 64	317,658 05	172,208 59
1879	1,067,027 21	891,282 69	49,147 73	126,596 79
				Public Debt.
1880	1,007,379 34	900,879 34	16,500 00	90,000 00
1881	1,096,203 93	982,297 95	23,905 98	90,000 00
1882	1,104,303 75	996,668 58	17,635 17	90,000 00
1883	1,077,748 33	963,679 76	24,068 57	90,000 00
1884	1,070,198 29	1,010,389 56	9,808 73	50,000 00
1885	1,208,900 46	1,109,706 31	59,194 15	40,000 00
1886	1,258,862 49	1,080,757 67	88,104 82	90,000 00
1887	1,436,044 59	1,184,885 71	161,158 88	90,000 00
1888	1,542,007 72	1,163,751 61	288,256 11	90,000 00
1889	1,405,849 02	1,203,468 94	112,380 08	90,000 00
1890	1,602,933 75	1,384,860 57	128,073 18	90,000 00
1891	1,772,005 68	1,391,836 03	290,169 65	90,000 00
1892	1,698,405 70	1,426,609 06	219,196 64	52,600 00
1893	1,857,982 83	1,573,447 44	198,235 39	86,300 00
1894	1,930,255 22	1,653,535 31	184,719 91	92,000 00

Details of the Extraordinary Disbursements.

1875.

Morristown Asylum.....	\$600,526 39
Public Debt and Interest	170,769 78
Centennial Stock.....	80,000 00
Public Schools.....	25,000 00
Appropriation to Trenton Asylum.....	15,000 00
State House Extension.....	\$15,000 00
Soldiers' Monument at Beverly.....	10,000 00
Appropriation for Gas Works at State Prison.....	8,000 00

\$924,296 17

1876.

Morristown Asylum	\$500,000 00
Public Debt and Interest.....	176,348 70
Centennial Stock	20,000 00
Special Appropriation to Reform School for Boys.....	17,500 00
Public Schools.....	17,000 00
Centennial Commission.....	16,500 00

\$747,348 70

1877.

Morristown Asylum.....	\$250,000 00
Public Debt and Interest.....	179,919 37
Public Schools.....	74,000 00
Preservation of the Peace.....	50,000 00
State Prison Extension.....	35,000 00
Centennial School Appropriation.....	403 78
	<hr/>
	\$589,323 15

1878.

Public Schools.....	\$209,000 00
Public Debt and Interest.....	172,208 59
State Prison Extension.....	58,994 12
Preservation of the Peace.....	33,690 38
Special Appropriation to Reform School for Boys.....	8,000 00
Rebellion Records.....	7,973 55
	<hr/>
	\$489,866 64

1879.

Public Debt and Interest.....	\$126,596 79
Special Appropriation to Normal School.....	31,225 00
Special Appropriation to Reform School for Boys.....	13,000 00
State Prison Improvement.....	3,922 73
State Prison Extension.....	1,000 00
	<hr/>
	\$175,744 52

1880.

Public Debt.....	\$90,000 00
Special Appropriation to Morristown Asylum.....	15,000 00
Special Appropriation to Industrial Schools for Girls (Dwelling).....	1,500 00
	<hr/>

1881.

	\$106,500 00
Public Debt.....	\$90,000 00
Yorktown Centennial.....	10,000 00
Special Appropriation for Water Supply and Farm Buildings at Reform School for Boys.....	10,000 00
Special Appropriation for Hospital at Home for Dis- abled Soldiers.....	3,000 00
Cowpens Memorial.....	905 98
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1882.

	\$113,905 98
Public Debt.....	\$90,000 00
Yorktown Centennial.....	17,510 17
Yorktown Memorial.....	125 00
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	\$107,635 17

1883.

Public Debt.....	\$90,000 00
Special Appropriation, to Reform School for Boys, for Family House.....	7,000 00
State Prison Gas Works.....	6,568 57
Special Appropriation, to Morris Plains Asylum, to purchase land for right of way.....	5,000 00
Special Appropriation, to Home for Disabled Soldiers, (burial-ground).....	3,000 00
Monmouth Battle Monument.....	2,000 00
Southern Exposition.....	500 00
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	\$114,068 57

1884.

Public Debt.....	\$50,000 00
Appropriation, for new wall at State Prison.	7,410 63
Special Appropriation, to Reform School, for Store House.....	2,000 00
Balance of Appropriation, for Gas Works at State Prison.....	398 10
	<hr/>
	\$59,808 73

1885.

Public Debt.....	\$40,000 00
Obsequies of General Grant.....	11,098 39
Appropriation for New Shops at State Prison.....	11,029 06
Monmouth Battle Monument.....	10,417 04
New Orleans Exposition.....	\$9,985 39
Appropriation for New Wall at State Prison.....	9,664 27
Appropriation to Reform School for Boys.....	7,000 00
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	\$99,194 15

1886.

Public Debt.....	\$90,000 00
Appropriation for New Capitol.....	37,744 95
Special Appropriation to Morris Plains Asylum for System of Sewerage.....	22,500 00
Special Appropriation for New Building at Home for Disabled Soldiers.....	13,000 00
Appropriation for New Shop at State Prison.....	6,896 04
Gettysburg Monuments... ..	3,300 00
Monmouth Battle Monument.....	3,164 29
New Orleans Exposition.....	820 55
Obsequies of General Grant.....	678 99
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	\$178,104 82

1887.

Appropriation for New Capitol.....	\$105,698 30
Public Debt.....	90,000 00
Special Appropriation to Home for Disabled Soldiers for new building.....	29,231 44
Special Appropriation to Reform School for Boys	15,000 00
Balance of Special Appropriation to Morris Plains Asylum for sewerage.....	7,500 00
New Orleans Exposition.....	1,454 03
Gettysburg Battle Monuments.....	1,150 00
Expenses of Centennial Ceremonies at Philadelphia....	1,125 11
	<hr/>
	\$251,158 88

1888.

Public Debt.....	\$90,000 00
Appropriation for State Capitol.....	89,940 06
Special Appropriation to Home for Disabled Soldiers...	82,768 56
Special Appropriation to Trenton Asylum.....	60,000 00
Gettysburg Battle Monuments	23,494 22
Purchase and Equipment of Home for Feeble Minded Women at Vineland.....	12,000 00
Special Appropriation to Reform School for Boys.....	10,000 00
Reimbursement of Jos. T. Crowell	4,817 67
Centennial Ceremonies at Philadelphia.....	3,789 62
Expenses attending purchase of Camp Ground.....	1,445 98
	<hr/>
	\$378,256 11

1889.

Public Debt.....	\$90,000 00
Special Appropriation to Home for Disabled Soldiers..	27,186 96
Rebuilding State Capitol.....	26,156 02
Special Appropriation to Trenton Asylum.....	20,000 00
Special Appropriation to Morristown Asylum.....	12,000 00
Dedication of Gettysburg Battle Monuments.....	9,549 89
Balance of Appropriation to purchase Statutes of Stock- ton and Kearny.....	8,157 50
Celebration of Washington Inaugural Centennial at New York.....	4,697 25
State Laboratory for Agricultural Experiment Station,	4,632 46
	<hr/>
	\$202,380 08

1890.

Public Debt.....	\$90,000 00
Loans to Sinking Fund.....	37,389 00

Services of Arbitrator and Counsel in abitation of the
claim of the State against the Morris and Essex

R. R. Co.....	\$23,652 10
Rebuilding State Capitol.....	23,302 93
Special Appropriation to Home for Disabled Soldiers..	19,729 15
Special Appropriation to Morristown Asylum.....	18,000 00
Special Appropriation to Reform School for Boys.....	6,000 00
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	\$218,073 18

1891.

Rebuilding Assembly Chamber.....	\$92,558 44
Public Debt.....	90,000 00
Special Appropriation for purchase of Camp Ground...	64,585 27
Loans to Sinking Fund.....	29,357 00
Alterations and Additions to State House.....	25,926 45
State Capitol.....	24,920 79
Special Appropriation to Trenton Asylum.....	20,000 00
Special Appropriation to Home for Disabled Soldiers..	14,000 00
Special Appropriation to Agricultural Experiment Station.....	8,800 00
Special Appropriation to Agricultural Experiment Station.....	5,500 00
Special Appropriation to Home for Disabled Soldiers...	3,000 00
Special Appropriation to Gettysburg Monuments.....	900 00
Special Appropriation for Sherman Obsequies.....	621 70
	<hr/>
	\$380,169 65

1892.

Rebuilding Assembly Chamber.....	\$120,086 46
Public Debt.....	52,600 00
Special Appropriation to Industrial School for Girls...	24,984 95
State Capitol (new part).....	17,675 29
Alterations and Additions to State House.....	13,832 09
Special Appropriation to Home for Feeble Minded Women at Vineland.....	12,000 00
Electric Lighting.....	11,529 35
Special Appropriation to World's Fair Commission....	8,088 50
Special Appropriation to Home for Disabled Soldiers..	6,000 00
Special Appropriation to Reform School for Manual Training.....	5,000 00
	<hr/>
	\$271,796 64

1893.

Special Appropriation to World's Fair Commission.....	\$114,911 50
Public Debt.....	86,300 00
Loans to Sinking Fund.....	37,951 00
Special Appropriation to State Laboratory.....	19,867 54
Special Appropriation to Trenton Battle Monument...	15,000 00
Special Appropriation to Reform School.....	4,224 35
Rebuilding Assembly Chamber.....	3,281 00
Special Appropriation to Home for Disabled Soldiers...	3,000 00
	<hr/>
	\$284,535 39

1894.

Public Debt.....	\$92,000 00
Jersey City Armory.....	88,847 98
Loans to Sinking Fund.....	30,122 00
Arbitration of Claims of R. S. Johnston..	14,582 74
State Capitol (new part).....	13,435 79
Special Appropriation to Trenton Battle Monument....	12,500 00
Special Appropriation to Industrial School.....	9,455 75
Special Appropriation to Reform School.....	8,775 65
Special Appropriation to World's Fair Commission.....	7,000 00
	<hr/>
	\$276,719 91

Senator Ketcham—The purpose of this inquiry is to find out just what these expenses are, with a view, if possible, to determine ways by which they can be reduced.

Mr. Corbin—Yes, I may say, that if they are allowed to increase as they are now increasing, the question of revenues to meet them will speedily present itself to the Legislature.

Senator Ketcham—For instance, it was shown here last week that we can save \$100,000 on the printing of the laws, and here is a Bureau of Statistics started at \$2,000, and it now costs \$11,000.

Mr. Corbin—I think there are a number of these accounts which offer a chance for economy if it is desired. Either they will have to be considered by the Legislature or the Legislature will have to begin to devise means to raise more money.

Chairman Voorhees—The natural necessary demands of a growing State are such that we cannot hope to get back to the annual expenses of only a million dollars.

Mr. Corbin—No, it isn't necessary to get back there ; I suppose the expenditures will keep pace with the population. And yet take the Legislative expenses, which is the next table I have in my hand. This Legislature has exactly the same number of members, and, as far as I can see, needs the same number of officers now as in the year 1845, after the new Constitution was adopted. The compensation of the legislators has not changed since 1875, or 20 years, and I don't see why the legislative expenses should be one farthing to-day more than it was in 1875 ; indeed, it should not be so much, because you had very heavy expenditures growing out of the special legislation, much of which is now done away with. But the legislative expenses have increased. In 1875 the legislative expenses were \$53,000, and they steadily climbed up until they reached their maximum of \$125,000 in 1893 ; last year they were \$108,000 ; this year the indication is that they will be less. I may say that they never got beyond eighty-odd thousand dollars until 1890 and 1891 ; they then went speedily up above \$100,000 ; there was a jump of over \$20,000 ; but take the years along about 1880 or 1881 and 1882, where they were \$70,000. Why shouldn't they be that now ? There is one item of uncertainty ; sometimes your contested election cases add a few thousand dollars to the incidental bill, but with that exception, I don't see why they cannot be covered by an annual appropriation of \$70,000.

If the Senators will allow the suggestion, I would say this, that you must pass a law fixing the number and the salary of the employes of the two houses. I recollect very well, in 1885, we used to have four pages sitting here in the Senate and six in the House, and the work was more effectually done then than now, with twice their number. Why you should have more door-keepers than doors is a thing that has always puzzled me, and why you need more than one Sergeant-at-Arms and a single assistant, is not obvious. Furthermore some of those officers have been over-paid ; to pay Senators \$500 to come here for two or three months, and then pay a clerk a big year's salary for staying here a few days, is not right. Put these men all on reasonable salaries ; fix them all by law, and when you Senators and members are besought to put on pages, sergeants-

at-arms and clerks, you have simply to answer that the law does not allow any more, the places are all filled; and you can save \$25,000 to \$50,000 very easily.

ANNUAL EXPENDITURES FOR LEGISLATURE

Year.	Incidental Bill.	Total Legislative, including Incidental Bill.
1875.....	\$5,263 32.....	\$53,578 96
1876.....	7,572 52.....	70,551 32
1877....	5,891 50.....	67,566 36
1878.....	13,203 37.....	74,719 89
1879.....	8,195 74.....	67,849 51
1880.....	7,766 92.....	69,285 21
1881.....	7,649 94.....	70,257 37
1882.....	9,685 61.....	60,084 74
1883.....	11,169 22.....	81,563 36
1884.....	6,258 13.....	74,707 78
1885.....	5,995 04.....	71,584 30
1886.....	9,471 16.....	76,613 04
1887.....	12,730 87.....	87,627 44
1888.....	4,652 95.....	77,389 87
1889.....	5,951 04.....	84,258 25
1890.....	7,959 34.....	88,489 41
1891.....	15,027 76.....	103,883 54
1892.....	12,522 04.....	103,744 04
1893.....	16,026 66.....	125,249 52
1894.....	10,503 91.....	108,791 24
1895.....	6,390 78.....	

Senator Ketcham—I think we ought to remember another thing, that our source of revenue may possibly be cut off. During the past few years corporations have been formed in the State of New Jersey in great numbers and have brought large sums of money here.

Senator Skirm—Not over \$125,000 or \$130,000 a year.

Mr. Corbin—That has fallen to \$65,000 already.

Senator Ketcham—Those trusts, large or small, came from other States because our laws were liberal. Take the State of New York, they have done two things; first, they have changed their law and made it more liberal, then they have put heavy taxes upon those that were formed outside; the result of that is to drive the corporations back from New Jersey to New York, and

they are going in large numbers. Then in addition to that, a great deal of legislation is aimed at corporations; a firm may do a business that is not taxed, but the same persons constituting themselves into corporate form, are taxed in every possible way, and men in business who desire to be in corporate form in order that they might leave their business to their families in good shape, are going back to the firm form because they are assessed less and annoyed less; there are persons in this city of Trenton to-day that are sending out letters to certain corporations in the State asking them to pay certain sums to put a list of directors in this State House, and pay \$25 for the privilege; a firm isn't required to do that; the consequence is that people are getting disgusted and giving up the corporate form and going back to the old way.

Senator Skirm—I don't think that applies to this city, for just as soon as a firm is formed they are taxed for pretty near what they are worth, and take a corporation, they will find some way to evade the law, and look over the corporations of this city and this State, and you will find that they pay a great deal less than the individual.

Senator Ketcham—I am speaking of the outside corporations in other States; I have no doubt that is true with respect to corporations.

Mr. Corbin—I think what Senator Ketcham has said is partly confirmed by the experience of this State already; the income from miscellaneous corporations through the office of the Secretary of State has fallen from \$130,000 to \$65,000. The larger part of the income is through the State Board of Assessors where we have received something like half a million dollars a year through these same corporations; they will also decline with the decline of the other, and undoubtedly the revenues are shrinking from that source; of course we all hope for a revival. Among the expenses of the Legislature is a column called the "Incidental Bill." The Incidental Bill is one that has varied greatly; it used to be from \$4,000 to \$7,000 a year; never as much as \$7,000 unless there was an election contest. During the years 1890 to 1893 it enormously increased and got up as high as \$16,000; in the year 1894 it fell to \$10,-

000, and this year thus far your incidental bill is only \$6,300, which is back to its normal condition.

The next table I have is the list of court expenses for the past 20 years; it has increased from \$65,000 to \$171,000; that is almost wholly made up of salaries, and if our judges are to continue to draw their present salaries, of course cannot be materially reduced; the fee system having been abolished so far as they are concerned, and the number of judges in the court of Chancery and Supreme Court having been increased, and their salaries having been increased, you will have to estimate on a matter of \$170,000 a year for the judiciary department of the government.

COURT EXPENSES FOR TWENTY YEARS.

Fiscal year ending October 31st.	Amount.
1875.....	\$65,659 90
1876.....	72,968 00
1877.....	71,955 00
1878.....	80,591 02
1879.....	79,397 51
1880.....	82,684 33
1881.....	106,822 74
1882.....	115,510 75
1883.....	119,163 53
1884.....	114,277 38
1885.....	116,109 84
1886.....	124,928 51
1887.....	124,581 91
1888.....	143,299 10
1889.....	146,938 06
1890.....	151,501 03
1891.....	154,153 44
1892.....	154,249 51
1893.....	169,332 42
1894.....	171,826 51

I have here the statement of the cost of the militia, which I put in evidence this morning; these are the items charged strictly to the militia.

Senator Skirm—Do I understand that the expenses of the Quartermaster-General are not included in that?

Mr. Corbin—Their offices and their clerks' salaries are not there; they are under the head of State officers?

Senator Skirm—They are two State officers and they are apparently the most ridiculously under-paid officers of the State. The Adjutant-General and Quartermaster-General are receiving a salary of \$1,200 a year; they both happen to be gentlemen of means, otherwise they couldn't fill the position; and all the expenses of their offices are very limited, the stenographer in the Adjutant-General's office gets \$65 a month, even the clerks are underpaid; it seems to me the expenses of those two departments are way down.

Mr. Corbin—I quite agree with what the Senator has said; there are probably no two more efficient officers in the State; take the Adjutant-General, who has been here nearly thirty years, a more faithful and efficient officer does not hold office than he.

Senator Daly—And Gen. Donnelly.

Mr. Corbin—Yes; and here we are paying salaries of \$2,500 a year to men in Board after Board; men who come here once a week, good enough men, too, no doubt. There's your State Board of Assessors, \$2,500 each, and State Board of Taxation, \$2,500 each.

Senator Ketcham—Why shouldn't they be in one?

Mr. Corbin—I think they should. Now with all due respect it can hardly be said that the gentleman now on the stand is entitled to more than Gen. Stryker and yet he draws \$2,500. There is a very long list of \$2,500 men whose services are not to be compared with those of these two officers. There is an inequality about it which might be corrected.

DAIRY COMMISSIONER.

I offer next the schedule which is headed "Oleomargarine, Milk, Food and Drugs." It relates to the Dairy Commissioner's office, and an important one.

The office was created by the act of March 22d, 1886, P. L., p. 107; it provided that a Dairy Commissioner should be appointed by the State Board of Health, and have a salary of \$2,000 a year and hold his office for three years, his salary payable on the warrant of the Comptroller. He was charged with the enforcement of that act, which was the oleomargarine act, and authorized to employ agents, chemists, counsel, &c. The sixteenth section of the act authorizes

him to expend \$10,000 a year in enforcing the oleomargarine act, to be paid by the Treasurer on the warrant of the Comptroller. I may say, that during the first year after his appointment, he actually collected fines and turned them into the treasury to the amount of about \$8,500, but those fines have gradually dropped off until they amount to \$500 or \$800 a year; I think, too, that the punishments have been effective; I think the law is better observed than it was, and that you will never get the fines back that you did at first when the people had to learn a bitter lesson by paying a fine. A supplement to that act was passed April 22d, 1887, being Chapter 150, and by that act the Dairy Commissioner also had charged upon him the duty of enforcing the food and drug act, the \$10,000 to cover both. Now the milk act was passed in 1886, page 97, and the Milk Inspector was appointed at a salary of \$800 a year and his expenses and no limit was placed upon the expenses of enforcing the milk act. By a supplement, April 20th, 1886, the Milk Inspector was discontinued and the Dairy Commissioner charged with his duties; now he had the expenses unlimited as to the milk act, but the \$10,000 must include the enforcement of the food and oleo. acts; that is the condition he is in. From the time this system was set up in 1886 to the present time, he has, of course drawn \$2,000 a year salary, and here are expenses in this schedule for enforcing the oleo. and milk act, and the total he has expended in addition to his salary in these last years, about \$12,000 per year, or \$12,500; in other words, using all of the \$10,000 and a couple of thousand more for the three acts, but the duties are really done together; there is no way of distinguishing strictly between them; his inspectors of oleo. can inspect the milk, and I suggest to the Committee, two things, first, to charge the whole thing upon the \$10,000, for it can be done; give him his \$2,000 salary, and, perhaps, \$10,000 for expenses of it all; and, in the second place, to require a different method of auditing.

Chairman Voorhees—Don't you suppose that the entire list of salaries paid by the State is excessive; couldn't we secure plenty of good faithful servants for salaries of about 75 per cent. of what are now paid?

Senator Skirm—You mean all salaries, from the Governor down?

Chairman Voorhees—Some we can get a good deal cheaper; take for instance, without intending to reflect on

him, the Chief of the Bureau of Statistics; isn't \$2,000 a good salary for what he does, and as a matter of fact can't you get 25 per cent. more for your money now than you could ten years ago or fifteen years ago, the expenses of living are that much less.

Mr. Corbin—I would say that as far as my observation of the salary list goes some of the most faithful and useful officers we have are underpaid, and the high salaries, the salaries that are really wasteful, are paid to people who have practically very little to do; they need entire readjustment. Take for example this matter of State Board of Assessors, the first year or two they had an enormous amount of work to do and \$2,500 was not an overpayment, and since that their work is a matter of revision from year to year. I think the suggestion you have made is perhaps a good one; I see there are a good many boards that could be gone through where reductions could be made. Now, as to the Dairy Commissioner, I don't suggest anything wrong about these vouchers, but the same system that prevails is not business like. These employes—chemists, counsel, &c.—it seems to me should be paid directly by the warrant of the State, then the Treasurer's printed book will show where this money has gone; as it is now, it is paid monthly or quarterly to the Commissioner; it is exceptional in the finances of the State; the Commissioner himself expresses a desire for the change, and he also suggests that his bills be audited by the State Board of Health who appoint him, and then have them put in to the Comptroller and paid. These bills are made out with a great deal of detail and particularity, but the system is wrong.

Senator Daly—Don't you think there is a good deal done by some of these State boards that might be done by municipalities, thus relieving the State from this expense; I mean, take for instance the health matter; they have Local Health Boards, and we have a State Board of Health; that is an unnecessary expense.

Senator Skirm—But you need a State Board.

Senator Daly—But then this dairy business, inspecting of milk and oleomargarine, that might be controlled by local Boards of Health, as well as the State.

Mr. Corbin—I am not sure about that; I think it is hardly worth while for one county in the State to set up a bureau for that business.

Senator Daly—One general law could regulate the duties.

Mr. Corbin—Here is a bureau that has been set up and my observation is that it has been effective; there were times when the abuses from the importation of milk into Camden, Jersey City and Hoboken, and coming across the State on their way to Philadelphia and New York, were very great, and this Board were vigorous in their prosecution—taught the fraud-doers a lesson, and I think there is a very great improvement in that respect. That work is better done by an independent State Board, who can direct their efforts where they are needed and can compass the whole State.

*Oleo., Milk, Food and Drugs Laws.
Expenditures of the Dairy Commissioner.*

Year.	Salary.	Oleo., Food and Drugs.	Milk.	Total	Fines turned into Treasury.
1886	\$1,000 00	\$2,450 93	\$1,818 05	\$5,668 98	\$925
1887	2,000 00	9,133 15	.....	11,133 15	8,116
1888	2,000 00	9,525 37	380 44	11,905 84	2,200
1889	2,000 00	7,437 02	2,669 27	12,106 29	1,000
1890	1,999 99	6,220 42	2,931 32	11,181 73	1,650
1891	2,136 96	4,910 83	4,865 62	11,913 41	2,000
1892	2,000 00	7,501 33	3,420 08	11,921 41	850
1893	2,000 00	6,564 07	4,056 93	12,621 00	2,090
1894	2,000 00	5,365 16	5,087 68	12,452 84	850

I have brought here and put upon the desk, as a slight object-lesson for the Committee, the book of documents for the year 1894. The law, previous to 1883, said that the documents which were to be put into the book of documents should be bound in one volume. In 1883 an act was passed saying that hereafter it should be bound in two volumes. You have a violation of the law before you; it is five volumes of some two thousand pages each. It is by a lack of direction, a lack of supervision, that this rubbish has grown to that extent. Now, in that chaff there are a good many kernels of wheat, but the chaff is so great that few people can find the wheat; and if you can, by some method, appoint some censor or censors who can take these reports and do just what the law of 1883 says shall be done, and that is to put into the book of documents only such as are of sufficient importance to warrant it, you can make a book of documents to which some of us will be willing to give

shelf-room, and which will really have value. In the pile which you see there, which I suppose is about a bushel in cubic contents, is the State Geological Report, the State Board of Health Report, and the State Treasurer's Report.

Chairman Voorhees—Why not wipe it out altogether; they are all in separate forms?

Mr. Corbin—There is a system now of exchanges between the different States of these documents, and between the United States Government and the States, and between the principal libraries of the States, and it seems to me that—

Chairman Voorhees—You don't mean to say that New Jersey sends all that lot of rubbish to other States and libraries?

Mr. Corbin—We do.

Senator Daly—I suppose that is intended to show the amount of business we do.

Mr. Corbin—Now, you will observe that I am appealing to you from an entirely different standpoint than that of expense; if this printing could be properly supervised, and some persons with mental capacity could take the parts of this which are valuable and condense them into a proper volume, it would really have far more value.

The act of 1883 speaks of the Joint Committee of the two Houses designating what shall go into the Book of Documents and they do, in fact, get together and designate; I suggest that some new form of committee, perhaps, may be created; I don't know as that is feasible, but suppose that the president of the College of New Jersey, the president of the Agricultural College and Rutgers and some member of the State Government should be appointed as a committee, with compensation, to take these documents and determine, before they are printed, what shall be printed, would not the result be better? Perhaps it isn't necessary to go to such a distinguished gentleman, but, with all due respect to those who sit here, the Legislative Committee does not seem to have been much of a success as a winnower; I think the committee should be created in some other way.

Senator Ketcham—When this committee met last year I happened to be a member of it, and the Governor, I think, acted as chairman, and the statement was made that much of that work was ordered by statute. I remember going around the cellars here last season and finding out this great mass of waste material, and I spoke of that fact, and

the vote was to cut down about \$15,000 worth of the printing this last year, but the balance was understood to be a subject of statute, and it was impossible, it was there said, for us to change it; that we must have legislation before we could cut it any further.

Senator Skirm—Why didn't you cut down the appropriation?

Senator Ketcham—We did cut it down \$15,000 last year, all we could.

Senator Daly—Why didn't you report to the Senate?

Senator Ketcham—The balance was said to be a subject of statute.

Senator Skirm—Is this a subject of statute? That was done certainly under your direction.

Senator Ketcham—I would like to ask Mr. Corbin if the statutes do order any of this printing to be done?

Mr. Corbin—So far as the Book of Documents is concerned, the act of 1883 says that it shall be put in two volumes.

Senator Daly—This is a great time to ask that, after you have incurred the expense.

Mr. Corbin—The act of 1883 says that only such documents shall be printed therein as shall be directed by the Legislature; but that legislative duty has been performed by the Committee.

Senator Ketcham—Then there should be a legislative enactment to cover it?

Mr. Corbin—Yes, sir.

Senator Skirm—They have a committee for that purpose, and the Printing Committee certainly should direct this.

Senator Ketcham—Then the Joint Committee on Printing, as I understand you, as the result of this inquiry, can, when they meet this summer, cut this all off?

Mr. Corbin—I don't know why not. But the law does contemplate that portions of it shall be printed; for instance, the Treasurer's report undoubtedly should be printed, and many others; but it is the winnowing that I had reference to, these tables, &c. This tabular work is a thing that the Committee, in the exercise of its judgment, should have dealt with; there is no end to them; and I want to call the Committee's attention to another thing; if you will read those five volumes through some afternoon, you will find hundreds of pages, if not thousands of pages of the statutes of New Jersey reprinted year after year; the Dairy Com-

missioner prints all the laws relating to him, and the Statistics Commissioner prints all the laws relating to him. Now, there is no sort of warrant of law for printing statutes that way at all. It would be perfectly proper, for convenience, to have a list of the acts on the back page of their books, but to print all those laws over and over again is an abuse, and the mere elimination of those would save a good deal expense. There are in those books newspaper clippings of the doings of all sorts of people you never heard of, and rubbish of every possible style dealt up in every possible method, and the State of New Jersey is printing it.

Adjourned to meet at the call of the Chairman.

BENJAMIN F. LEE, CLERK NEW JERSEY SUPREME COURT.

Gross Amount of Fees Received by Clerk in the Several Years.

	Clerk's Gross Fees by Years.
1872.....	\$299 18
1873.....	21,273 05
1874.....	26,822 19
1875.....	34,544 69
1876.....	34,787 97
1877.....	32,028 27
1878.....	31,971 99
1879.....	28,210 48
1880.....	21,389 75
1881.....	27,368 68
1882.....	24,298 88
1883.....	24,947 53
1884.....	24,969 36
1885.....	23,957 05
1886.....	25,711 91
1887.....	35,772 06
1888.....	30,847 88
1889.....	37,060 24
1890.....	42,054 00
1891.....	34,438 00
1892.....	37,370 00
1893.....	34,605 00
1894.....	46,004 00

(For Judicial fees returned and paid to State, see page 930. For the returns made by him to the State as fees received to his own use, page 933.)

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